

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 13-____

RELATING TO GROWTH MANAGEMENT, CREATING A COUNTYWIDE TRANSFER
OF DEVELOPMENT RIGHTS PROGRAM, AMENDING CHAPTER 30.35A,
REPEALING CHAPTER 30.35B, AND ADDING AND AMENDING RELATED
SECTIONS OF TITLE 30 OF THE SNOHOMISH COUNTY CODE

WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the
Growth Management Act (GMA) to adopt procedures for interested persons to propose
amendments and revisions to the GMA Comprehensive Plan (GMACP) or development
regulations; and

WHEREAS, the Snohomish County Council ("county council") has determined
that the proposed amendments to the development regulations promote a county
purpose as established under RCW 36.70A.130, RCW 36.70A.470 and chapter 30.73
SCC; and

WHEREAS, chapter 43.362 RCW authorizes a regional Transfer of Development
Rights (TDR) program and establishes requirements for participation by cities and
counties; and

WHEREAS, chapter 39.108 RCW authorizes a funding mechanism for local
infrastructure project areas and requires Snohomish County to designate all agricultural
and forest land of long-term commercial significance within Snohomish County as TDR
sending areas; and

WHEREAS, the county council adopted Amended Ordinance No. 12-046 on
October 17, 2012, establishing policies in the GMACP for a countywide TDR program;
and

WHEREAS, the development regulation amendments in this Ordinance
implement the policy amendments adopted in Amended Ordinance No. 12-046 and
comply with requirements in state law for Snohomish County and cities within
Snohomish County to participate in and benefit from the regional TDR program; and

WHEREAS, the Snohomish County Planning Commission ("planning
commission") held a public hearing on June 25, 2013, to receive testimony concerning
the code amendments contained in this ordinance; and

WHEREAS, at the conclusion of the planning commission's public hearing, the
planning commission voted to recommend that the proposed code amendments

1 contained in this ordinance be denied, as shown in its recommendation letter dated
2 June 28, 2013; and
3

4 WHEREAS, after proper notice, the county council held a public hearing on
5 _____, 2013, to consider the entire record, including the planning commission
6 recommendation, and to hear public testimony on this ordinance; and
7

8 WHEREAS, following the public hearing, the County Council deliberated on the
9 code amendments contained in this ordinance.
10

11 NOW, THEREFORE, BE IT ORDAINED:
12

13 Section 1. The county council makes the following findings of fact:
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15 A. The foregoing recitals are adopted and incorporated as findings as if set forth fully
16 herein.
17

18 B. The recitals, findings, and conclusions from Amended Ordinance No. 12-046 are
19 adopted and incorporated as if set forth fully herein.
20

21 C. The proposed amendments are consistent with and advance the planning goals of
22 the GMA, RCW 36.70A.020, in particular:
23

- 24 1. Goal 1, to encourage development in urban areas;
- 25 2. Goal 2, to reduce sprawl;
- 26 3. Goal 5, to encourage economic development within the capacities of the state's
27 natural resources;
- 28 4. Goal 6, to protect private property rights; and
- 29 5. Goal 8, to maintain and enhance natural resource-based industries.
30

31 D. The proposed amendments are consistent with and advance the Puget Sound
32 Regional Council (PSRC) Multicounty Planning Policies (MPP), in particular:
33

- 34 1. MPP-DP-22, to not allow urban densities in rural and resource areas;
- 35 2. MPP-DP-28, to support long-term solutions for economic sustainability of
36 agriculture and forestry within rural areas;
- 37 3. MPP-DP-31, to support sustainability of resource lands;
- 38 4. MPP-DP-34, to preserve historic and cultural landscapes;
- 39 5. MPP-DP-48, to encourage TDR; and
- 40 6. MPP-Ec-22, to support economic activity in rural and resource areas at a scale
41 compatible with the long-term productivity of those lands.
42

43 E. The proposed amendments are consistent with and advance the Countywide
44 Planning Policies (CPP), in particular:
45

1. DP-2.d.8, to allow UGA expansions that transfer development rights from agricultural or forest lands and meet other criteria;
2. DP-29, to develop strategies that support agricultural and forest activities, including reducing conversion pressure on resource land and rural land with resource-based activities by redesignating rural land to resource land and the use of TDR and PDR programs;
3. DP-30, to encourage TDR, designate additional sending and receiving areas, develop zoning incentives, coordinate with regional TDR efforts, and ensure that cities preserve receiving area capacity when they annex receiving areas; and
4. ED-9, to adopt policies that preserve designated agricultural and resource lands for long-term regional economic benefit.

F. The proposed amendments are consistent with and advance the following GPP Goals, Objectives and Policies:

1. Policy PE 1.A.5, to reserve a portion of the population forecast for UGA expansions associated with TDR receiving areas;
2. Policy LU 1.A.7, to exclude forest and agricultural lands from UGAs;
3. Objective LU 2.A, to concentrate development in appropriate locations including centers;
4. Objective LU 6.A, to reduce the rate of growth in rural and resource areas;
5. Policy LU 6.B.2, to encourage retention of small forest and farm uses in rural areas;
6. Goal LU 7, to conserve agricultural land through a variety of techniques including incentives;
7. Goal LU 8, to conserve and promote sustainable use of forest land;
8. Goal LU 14, to conserve important natural resource lands through TDR and Purchase of Development Rights (PDR) programs;
9. Objective LU 14.A, to develop and implement a countywide TDR program based on free market principles for the purpose of permanently conserving specified natural resource lands;
10. Objective LU 14.B, to establish an administrative system that facilitates the transfer of TDR credits;
11. Objective LU 14.C, to encourage cities in Snohomish County to create receiving areas and participate in any regional TDR program; and
12. Objective LU 14.D, to administer the Arlington Pilot TDR Program independently of the countywide TDR program.

G. The proposed amendments are consistent with and implement the requirements in chapter 43.362 RCW for Snohomish County's participation in the regional TDR program.

H. The proposed amendments are consistent with and implement the requirements in chapter 39.108 RCW to allow cities within the county to benefit from the financing mechanism authorized by that chapter.

- 1 I. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
2 transmitted to the Washington State Department of Commerce for distribution to
3 state agencies.
4
5 J. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
6
7 K. The Washington State Attorney General last issued an advisory memorandum, as
8 required by RCW 36.70A.370, in December of 2006 entitled *Advisory Memorandum:*
9 *Avoiding Unconstitutional Takings of Private Property* to help local governments
10 avoid the unconstitutional taking of private property. The process outlined in the
11 State Attorney General's 2006 advisory memorandum was used by the county in
12 objectively evaluating the regulatory changes proposed by this ordinance.
13
14 L. State Environmental Policy Act (SEPA) requirements, with respect to this non-
15 project action, have been satisfied through the completion of an environmental
16 checklist and the issuance of Addendum 41 on June 28, 2013.
17
18 M. Appropriate public participation has been provided through public hearings on this
19 ordinance held after public notice on _____, 2013 and _____, 2013.
20

21 Section 2. The county council makes the following conclusions:
22

- 23 A. The amendments implement the TDR policies in the GMACP and improve
24 consistency of the development regulations with the GMACP.
25
26 B. The amendments are consistent with and comply with the procedural and
27 substantive requirements of GMA.
28
29 C. All SEPA requirements with respect to this non-project action have been satisfied.
30
31 D. The amendments do not result in the unconstitutional taking of private property or
32 violate substantive due process guarantees.
33
34 E. The county complied with state and local public participation requirements under the
35 GMA and chapter 30.73 SCC.
36

37 Section 3. The county council bases its findings and conclusions on the entire record of
38 the county council, including all testimony and exhibits. Any finding that should be
39 deemed a conclusion and any conclusion that should be deemed a finding is hereby
40 adopted as such.
41

42 Section 4. Snohomish County Code Section 30.21.025, last amended by Amended
43 Ordinance No. 09-079 on May 12, 2010, is amended to read:
44

45 30.21.025 Intent of zones.

1 This section describes the intent of each use zone. Snohomish County's use zones are
2 categorized and implemented consistent with the comprehensive plan. The
3 comprehensive plan establishes guidelines to determine compatibility and location of
4 use zones. The intent of each zone is established pursuant to SCC Table 30.21.020
5 and is set forth below in SCC 30.21.025(1) - (4).

6 (1) Urban Zones. The urban zones category consists of residential, commercial,
7 and industrial zoning classifications in Urban Growth Areas (UGAs) located outside of
8 cities in unincorporated Snohomish County. These areas are either already
9 characterized by, or are planned for, urban growth consistent with the comprehensive
10 plan.

11 (a) Single Family Residential. The intent and function of Single Family
12 Residential zones is to provide for predominantly single family residential development
13 that achieves a minimum net density of four dwelling units per net acre. These zones
14 may be used as holding zones for properties that are designated Urban Medium-
15 Density Residential, Urban High-Density Residential, Urban Commercial, Urban
16 Industrial, Public/Institutional use (P/IU), or Other land uses in the comprehensive plan.
17 The official Snohomish County zoning maps prepared pursuant to SCC 30.21.030 shall
18 use the suffix "P/IU" to indicate all areas in which these zones implement the P/IU
19 designation (e.g., R-7,200-P/IU). Single family residential zones consist of the
20 following:

- 21 (i) Residential 7,200 sq. ft. (R-7,200);
- 22 (ii) Residential 8,400 sq. ft. (R-8,400); and
- 23 (iii) Residential 9,600 sq. ft. (R-9,600).

24 (b) Multiple Family Residential. Multiple Family Residential zones provide for
25 predominantly apartment and townhouse development in designated medium- and high-
26 density residential locations. Multiple Family Residential zones consist of the following:

- 27 (i) Townhouse (T). The intent and function of the Townhouse zone is to:

28 (A) provide for single family dwellings, both attached and detached, or
29 different styles, sizes, and prices at urban densities greater than those for strictly single
30 family detached development, but less than multifamily development;

31 (B) provide a flexible tool for development of physically suitable, skipped-
32 over or under-used lands in urban areas without adversely affecting adjacent
33 development; and

34 (C) provide design standards and review which recognize the special
35 characteristics of townhouses, to ensure the development of well-planned communities,
36 and to ensure the compatibility of such housing developments with adjacent, existing,
37 and planned uses. Townhouses are intended to serve the housing needs of a variety of
38 housing consumers and producers. Therefore, townhouses may be built for renter
39 occupancy of units on a site under single ownership, owner agreements pursuant to
40 chapters 64.32 or 64.34 RCW, or owner or renter occupancy of separately conveyed
41 units on individual lots created through formal subdivision pursuant to chapter 58.17
42 RCW;

43 (ii) Low-Density Multiple Residential (LDMR). The intent and function of the
44 Low-Density Multiple Residential zone is to provide a variety of low-density, multifamily
45 housing including townhouses, multifamily structures, and attached or detached homes
46 on small lots;

(iii) Multiple Residential (MR). The intent and function of the Multiple Residential zone is to provide for high-density development, including townhouses and multifamily structures generally near other high-intensity land uses; and

(iv) Mobile Home Park (MHP). The intent and function of the Mobile Home Park zone is to provide and preserve high density, affordable residential development consisting of mobile homes for existing mobile home parks as a source of affordable detached single-family and senior housing. This zone is assigned to existing mobile home parks which contain rental pads, as opposed to fee simple owned lots, and as such are more susceptible to future development.

(c) Commercial. The Commercial zones provide for neighborhood, community and urban center commercial, and mixed use developments that offer a range of retail, office, personal service and wholesale uses. Commercial zones consist of the following:

(i) Neighborhood Business (NB). The intent and function of the Neighborhood Business zone is to provide for local facilities that serve the everyday needs of the surrounding neighborhood, rather than the larger surrounding community;

(ii) Planned Community Business (PCB). The intent and function of the Planned Community Business zone is to provide for community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, or natural site and environmental conditions while minimizing impacts upon these elements through the establishment of performance criteria. Performance criteria for this zone are intended to control external as well as internal effects of commercial development. It is the goal of this zone to discourage "piecemeal" and strip development by encouraging development under unified control;

(iii) Community Business (CB). The intent and function of the Community Business zone is to provide for businesses and services designed to serve the needs of several neighborhoods;

(iv) General Commercial (GC). The intent and function of the General Commercial zone is to provide for a wide variety of retail and nonretail commercial and business uses. General commercial sites are auto-oriented as opposed to pedestrian or neighborhood oriented. Certain performance standards, subject to review and approval of an official site plan, are contained in chapter 30.31B SCC;

(v) Freeway Service (FS). The intent and function of the Freeway Service zone is to provide for needed freeway commercial facilities in the vicinity of on/off ramp frontages and access roads of limited access highways with a minimum of traffic congestion in the vicinity of the ramp. Allowed uses are limited to commercial establishments dependent upon highway users. Certain performance standards, subject to review and approval of an official site plan, are contained in chapter 30.31B SCC to protect freeway design;

(vi) Business Park (BP). The intent and function of the Business Park zone is to provide for those business/industrial uses of a professional office, wholesale and manufacturing nature which are capable of being constructed, maintained, and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial, or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; many business/industrial uses otherwise provided for in the zoning code will not

1 be suited to the BP zone due to an inability to comply with its provisions and achieve
2 compatibility with surrounding uses. The BP zone, under limited circumstances, may
3 also provide for residential development where sites are large and where compatibility
4 can be assured for on-site mixed uses and for uses on adjacent properties;

5 (vii) Light Industrial (LI). The intent and function of the Light Industrial zone is
6 to promote, protect, and provide for light industrial uses while also maintaining
7 compatibility with adjacent nonindustrial areas;

8 (viii) Heavy Industrial (HI). The intent and function of the heavy industrial
9 zone is to promote, protect, and provide for heavy industrial uses while also maintaining
10 compatibility with adjacent nonindustrial areas; and

11 (ix) Industrial Park (IP/PIP). The intent and function of the Industrial Park and
12 Planned Industrial Park zones is to provide for heavy and light industrial development
13 under controls to protect the higher uses of land and to stabilize property values
14 primarily in those areas in close proximity to residential or other less intensive
15 development. The IP and remaining Planned Industrial Park (PIP) zones are designed
16 to ensure compatibility between industrial uses in industrial centers and thereby
17 maintain the attractiveness of such centers for both existing and potential users and the
18 surrounding community. Vacant/undeveloped land which is currently zoned PIP shall
19 be developed pursuant to industrial park zone regulations (chapter 30.31A SCC).

20 (d) Industrial Zones. The Industrial zones provide for a range of industrial and
21 manufacturing uses and limited commercial and other nonindustrial uses necessary for
22 the convenience of industrial activities. Industrial zones consist of the following:

23 (i) Business Park (BP). See description under SCC 30.21.025(1)(c)(vi);

24 (ii) Light Industrial (LI). See description under SCC 30.21.025(1)(c)(vii);

25 (iii) Heavy Industrial (HI). See description under SCC 30.21.025(1)(c)(viii);

26 and

27 (iv) Industrial Park (IP). See description under SCC 30.21.025(1)(c)(ix).

28 (e) Urban Center (UC). The intent and function of the Urban Center zone is to
29 implement the Urban Center designation on the future land use map by providing a
30 zone that allows a mix of high-density residential, office and retail uses with public and
31 community facilities and pedestrian connections located within one-half mile of existing
32 or planned stops or stations for high capacity transit routes such as light rail or
33 commuter rail lines, regional express bus routes, or transit corridors that contain
34 multiple bus routes or which otherwise provide access to such transportation as set
35 forth in SCC 30.34A.085.

36
37 (2) Rural Zones. The Rural zones category consists of zoning classifications
38 applied to lands located outside UGAs that are not designated as agricultural or forest
39 lands of long-term commercial significance. These lands have existing or planned rural
40 services and facilities, and rural fire and police protection services. Rural zones may be
41 used as holding zones for properties that are primarily a transition area within UGAs on
42 steep slopes adjacent to non-UGA lands designated rural or agriculture by the
43 comprehensive plan. Rural zones consist of the following:

44 (a) Rural Diversification (RD). The intent and function of the Rural Diversification
45 zone is to provide for the orderly use and development of the most isolated, outlying
46 rural areas of the county and at the same time allow sufficient flexibility so that

1 traditional rural land uses and activities can continue. These areas characteristically
2 have only rudimentary public services and facilities, steep slopes and other natural
3 conditions, which discourage intense development, and a resident population, which
4 forms an extremely rural and undeveloped environment. The resident population of
5 these areas is small and highly dispersed. The zone is intended to protect, maintain,
6 and encourage traditional and appropriate rural land uses, particularly those which allow
7 residents to earn a satisfactory living on their own land. The following guidelines apply:

8 (i) a minimum of restrictions shall be placed on traditional and appropriate
9 rural land uses;

10 (ii) the rural character of these outlying areas will be protected by carefully
11 regulating the size, location, design, and timing of large-scale, intensive land use
12 development; and

13 (iii) large residential lots shall be required with the intent of preserving a
14 desirable rural lifestyle as well as preventing intensive urban- and suburban-density
15 development, while also protecting the quality of ground and surface water supplies and
16 other natural resources;

17 (b) Rural Resource Transition - 10 Acre (RRT-10). The intent and function of
18 the Rural Resource Transition - 10 Acre zone is to implement the Rural Residential-10
19 (resource transition) designation and policies in the comprehensive plan, which identify
20 and designate rural lands with forestry resource values as a transition between
21 designated forest lands and rural lands;

22 (c) Rural-5 Acre (R-5). The intent and function of the Rural-5 Acre zone is to
23 maintain rural character in areas that lack urban services (~~(-- Land zoned R-5 and~~
24 ~~having an RA overlay, depicted as R-5-RA on the official zoning map, is a Transfer of~~
25 ~~Development Rights (TDR) receiving area and, consistent with the comprehensive plan,~~
26 ~~will be retained in the R-5 RA zone until regulatory controls are in place which ensure~~
27 ~~that TDR certificates issued pursuant to SCC 30.35A.050 will be required for~~
28 ~~development approvals within the receiving area));~~

29 (d) Rural Business (RB). The intent and function of the Rural Business zone is
30 to permit the location of small-scale commercial retail businesses and personal services
31 which serve a limited service area and rural population outside established UGAs. This
32 zone is to be implemented as a "floating zone" and will be located where consistent with
33 specific locational criteria. The Rural Business zone permits small-scale retail sales and
34 services located along county roads on small parcels that serve the immediate rural
35 residential population, and for a new rural business, are located two and one-half miles
36 from an existing rural business, rural freeway service zone, or commercial designation
37 in the rural area. Rural businesses, which serve the immediate rural population, may be
38 located at crossroads of county roads, state routes, and major arterials;

39 (e) Clearview Rural Commercial (CRC). The intent and function of the CRC
40 zone is to permit the location of commercial businesses and services that primarily
41 serve the rural population within the defined boundary established by the CRC land use
42 designation. Uses and development are limited to those compatible with existing rural
43 uses that do not require urban utilities and services ((-)) ;

44 (f) Rural Freeway Service (RFS). The intent and function of the Rural Freeway
45 Service zone is to permit the location of small-scale, freeway-oriented commercial
46 services in the vicinity of on/off ramp frontages and access roads of interstate highways

1 in areas outside a designated UGA boundary and within rural areas of the county.
2 Permitted uses are limited to commercial establishments dependent upon highway
3 users; and

4 (g) Rural Industrial (RI). The intent and function of the Rural Industrial zone is to
5 provide for small-scale light industrial, light manufacturing, recycling, mineral
6 processing, and resource-based goods production uses that are compatible with rural
7 character and do not require an urban level of utilities and services.

8 (3) Resource Zones. The Resource zones category consists of zoning
9 classifications that conserve and protect lands useful for agriculture, forestry, or mineral
10 extraction or lands which have long-term commercial significance for these uses.
11 Resource zones consist of the following:

12 (a) Forestry (F). The intent and function of the Forestry zone is to conserve and
13 protect forest lands for long-term forestry and related uses. Forest lands are normally
14 large tracts under one ownership and located in areas outside UGAs and away from
15 residential and intense recreational use;

16 (b) Forestry and Recreation (F&R). The intent and function of the Forestry and
17 Recreation zone is to provide for the development and use of forest land for the
18 production of forest products as well as certain other compatible uses such as
19 recreation, including recreation uses where remote locations may be required, and to
20 protect publicly-owned parks in UGAs;

21 (c) Agriculture-10 Acre (A-10). The intent and function of the Agricultural-10 Acre
22 zone is:

23 (i) To implement the goals and objectives of the County General Policy Plan,
24 which include the goals of protecting agricultural lands and promoting agriculture as a
25 component of the County economy;

26 (ii) To protect and promote the continuation of farming in areas where it is
27 already established and in locations where farming has traditionally been a viable
28 component of the local economy; and

29 (iii) To permit in agricultural lands, with limited exceptions, only agricultural
30 land uses and activities and farm-related uses that provide a support infrastructure for
31 farming, or that support, promote or sustain agricultural operations and production
32 including compatible accessory commercial or retail uses on designated agricultural
33 lands.

34 (iv) Allowed uses include, but are not limited to:

35 (A) Storage and refrigeration of regional agricultural products;

36 (B) Production, sales and marketing of value-added agricultural products
37 derived from regional sources;

38 (C) Supplemental sources of on-farm income that support and sustain
39 on-farm agricultural operations and production;

40 (D) Support services that facilitate the production, marketing and
41 distribution of agricultural products;

42 (E) Off farm and on-farm sales and marketing of predominately regional
43 agricultural products from one or more producers, agriculturally related experiences,
44 products derived from regional agricultural production, products including locally made
45 arts and crafts, and ancillary sales or service activities.

(F) Accessory commercial or retail uses which shall be accessory to the growing of crops or raising of animals and which shall sell products predominately produced on-site, agricultural experiences, or products, including arts and crafts, produced on-site. Accessory commercial or retail sales shall offer for sale a significant amount of products or services produced on-site.

(v) Allowed uses shall comply with all of the following standards:

(A) The uses shall be compatible with resource land service standards.

(B) The allowed uses shall be located, designed and operated so as not to interfere with normal agricultural practices.

(C) The uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of agricultural buildings but shall not otherwise convert agricultural land to non-agricultural uses.

(d) Mineral Conservation (MC). The intent and function of the Mineral Conservation zone is to comprehensively regulate excavations within Snohomish County. The zone is designed to accomplish the following:

(i) preserve certain areas of the county which contain minerals of commercial quality and quantity for mineral conservation purposes and to prevent incompatible land use development prior to the extraction of such minerals and materials and to prevent loss forever of such natural resources;

(ii) preserve the goals and objectives of the comprehensive plan by setting certain guidelines and standards for location of zones and under temporary, small-scale conditions to permit other locations by conditional use permit;

(iii) permit the necessary processing and conversion of such material and minerals to marketable products;

(iv) provide for protection of the surrounding neighborhood, ecological and aesthetic values, by enforcing controls for buffering and for manner and method of operation; and

(v) preserve the ultimate suitability of the land from which natural deposits are extracted for rezones and land usages consistent with the goals and objectives of the comprehensive plan.

(4) Other Zones: The Other zones category consists of existing zoning classifications that are no longer primary implementing zones but may be used in special circumstances due to topography, natural features, or the presence of extensive critical areas. Other zones consist of the following:

(a) Suburban Agriculture-1 Acre (SA-1);

(b) Rural Conservation (RC);

(c) Rural Use (RU);

(d) Residential 20,000 sq. ft. (R-20,000);

(e) Residential 12, 500 sq. ft. (R-12,500); and

(f) Waterfront beach (WFB).

Section 5. Snohomish County Code Section 30.22.130, last amended by Amended Ordinance No. 12-040 on July 11, 2012, is amended to read:

1 30.22.130 Reference notes for use matrix.

2 (1) Airport, Stage 1 Utility:

3 (a) Not for commercial use and for use of small private planes;

4 (b) In the RU zone, they shall be primarily for the use of the resident property
5 owner; and

6 (c) When the airport is included in an airpark, the disclosure requirements of SCC
7 30.28.005 shall apply.

8 (2) Day Care Center:

9 (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones,
10 shall only be permitted in connection with and secondary to a school facility or place of
11 worship; and

12 (b) Outdoor play areas shall be fenced or otherwise controlled, and noise
13 buffering provided to protect adjoining residences.

14 (3) Dock and Boathouse, Private, Non-commercial:

15 (a) The height of any covered over-water structure shall not exceed 12 feet as
16 measured from the line of ordinary high water;

17 (b) The total roof area of covered, over-water structures shall not exceed 1,000
18 square feet;

19 (c) The entirety of such structures shall have a width no greater than 50 percent
20 of the width of the lot at the natural shoreline upon which it is located;

21 (d) No over-water structure shall extend beyond the mean low water mark a
22 distance greater than the average length of all preexisting over-water structures along
23 the same shoreline and within 300 feet of the parcel on which proposed. Where no
24 such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;

25 (e) Structures permitted hereunder shall not be used as a dwelling, nor shall any
26 boat moored at any wharf be used as a dwelling while so moored; and

27 (f) Covered structures are subject to a minimum setback of three feet from any
28 side lot line or extension thereof. No side yard setback shall be required for uncovered
29 structures. No rear yard setback shall be required for any structure permitted
30 hereunder.

31 (4) Dwelling, Single family: In PCB zones, shall be allowed only if included within
32 the same structure as a commercial establishment. In the MHP zone, single family
33 detached dwellings are limited to one per existing single legal lot of record.

34 (5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter
35 30.23A SCC for design standards applicable to townhouse and attached single-family
36 dwelling development.

37 (6) Dwelling, Mobile Home:

38 (a) Shall be multi-sectioned by original design, with a width of 20 feet or greater
39 along its entire body length;

40 (b) Shall be constructed with a non-metallic type, pitched roof;

41 (c) Except where the base of the mobile home is flush to ground level, shall be
42 installed either with:

43 (i) skirting material which is compatible with the siding of the mobile home; or

44 (ii) a perimeter masonry foundation;

45 (d) Shall have the wheels and tongue removed; and

46 (e) In the RU zone the above only applies if the permitted lot size is less than

1 20,000 square feet.

2 (7) Fallout Shelter, Joint, by two or more property owners:

3 Side and rear yard requirements may be waived by the department along the
4 boundaries lying between the properties involved with the proposal, and zone; provided
5 that its function as a shelter is not impaired.

6 (8) Family Day Care Home:

7 (a) No play yards or equipment shall be located in any required setback from a
8 street; and

9 (b) Outdoor play areas shall be fenced or otherwise controlled.

10 (9) Farm Stand:

11 (a) There shall be only one stand on each lot; and

12 (b) At least 50% by farm product unit of the products sold shall be grown, raised
13 or harvested in Snohomish County, and 75% by farm product unit of the products sold
14 shall be grown, raised or harvested in the State of Washington.

15 (10) Farm Worker Dwelling:

16 (a) At least one person residing in each farm worker dwelling unit shall be
17 employed full time in the farm operation;

18 (b) An agricultural farm worker dwelling unit affidavit must be signed and
19 recorded with the county attesting to the need for such dwellings to continue the farm
20 operation;

21 (c) The number of farm worker dwellings shall be limited to one per each 40
22 acres under single contiguous ownership to a maximum of six total dwellings, with 40
23 acres being required to construct the first accessory dwelling unit. Construction of the
24 maximum number of dwelling units permitted shall be interpreted as exhausting all
25 residential potential of the land until such time as the property is legally subdivided; and

26 (d) All farm worker dwellings must be clustered on the farm within a 10-acre
27 farmstead which includes the main dwelling. The farmstead's boundaries shall be
28 designated with a legal description by the property owner with the intent of allowing
29 maximum flexibility while minimizing interference with productive farm operation. Farm
30 worker dwellings may be located other than as provided for in this subsection only if
31 environmental or physical constraints preclude meeting these conditions.

32 (11) Home Occupation: See SCC 30.28.050.

33 (12) Kennel, Commercial: There shall be a five-acre minimum lot area; except
34 in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.

35 (13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the
36 animals comprising the kennel are housed within the dwelling, the yard or some portion
37 thereof shall be fenced and maintained in good repair or to contain or to confine the
38 animals upon the property and restrict the entrance of other animals.

39 (14) Parks, Publicly-owned and Operated:

40 (a) No bleachers are permitted if the site is less than five acres in size;

41 (b) All lighting shall be shielded to protect adjacent properties; and

42 (c) No amusement devices for hire are permitted.

43 (15) Boarding House: There shall be accommodations for no more than two
44 persons.

45 (16) RESERVED for future use (Social Service Center - DELETED by Amended Ord.
46 04-010 effective March 15, 2004)

1 (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use
2 of occupants and guests:

3 (a) No part of the pool shall project more than one foot above the adjoining
4 ground level in a required setback; and

5 (b) The pool shall be enclosed with a fence not less than four feet high, of
6 sufficient design and strength to keep out children.

7 (18) Temporary Dwelling for a relative:

8 (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the
9 occupant(s) of the permanent dwelling;

10 (b) The relative must receive from, or administer to, the occupant of the other
11 dwelling continuous care and assistance necessitated by advanced age or infirmity;

12 (c) The need for such continuous care and assistance shall be attested to in
13 writing by a licensed physician;

14 (d) The temporary dwelling shall be occupied by not more than two persons;

15 (e) Use as a commercial rental unit shall be prohibited;

16 (f) The temporary dwelling shall be situated not less than 20 feet from the
17 permanent dwelling on the same lot and shall not be located in any required yard of the
18 principal dwelling;

19 (g) A land use permit binder shall be executed by the landowner, recorded with
20 the Snohomish County Auditor and a copy of the recorded document submitted to the
21 department for inclusion in the permit file;

22 (h) Adequate screening, landscaping, or other measures shall be provided
23 pursuant to SCC 30.25.028 to protect surrounding property values and ensure
24 compatibility with the immediate neighborhood;

25 (i) An annual renewal of the temporary dwelling permit, together with
26 recertification of need, shall be accomplished by the applicant through the department in
27 the same month of each year in which the initial mobile home/building permit was
28 issued;

29 (j) An agreement to terminate such temporary use at such time as the need no
30 longer exists shall be executed by the applicant and recorded with the Snohomish
31 County Auditor; and

32 (k) Only one temporary dwelling may be established on a lot. The temporary
33 dwelling shall not be located on a lot on which a detached accessory apartment is
34 located.

35 (19) Recreational Vehicle:

36 (a) There shall be no more than one per lot;

37 (b) Shall not be placed on a single site for more than 180 days in any 12-
38 month period; and

39 (c) Shall be limited in the floodways to day use only (dawn to dusk)
40 during the flood season (October 1 through March 30) with the following exceptions:

41 (i.) Recreational vehicle use associated with a legally occupied
42 dwelling to accommodate overnight guests for no more than a 21-day period;

43 (ii.) Temporary overnight use by farm workers on the farm where
44 they are employed subject to SCC 30.22.130(19)(a) and (b) above; and

45 (iii) Subject to SCC 30.22.130(19)(a) and (b) above and SCC
46 30.22.120(7)(b), temporary overnight use in a mobile home park, which has been in

1 existence continuously since 1970 or before, that provides septic or sewer service,
2 water and other utilities, and that has an RV flood evacuation plan that has been
3 approved and is on file with the Department of Emergency Management and
4 Department of Planning and Development Services.

5 (20) Ultralight Airpark:

6 (a) Applicant shall submit a plan for the ultralight airpark showing the location of
7 all buildings, ground circulation, and parking areas, common flight patterns, and arrival
8 and departure routes;

9 (b) Applicant shall describe in writing the types of activities, events, and flight
10 operations which are expected to occur at the airpark; and

11 (c) Approval shall be dependent upon a determination by the county decision
12 maker that all potential impacts such as noise, safety hazards, sanitation, traffic, and
13 parking are compatible with the site and neighboring land uses, particularly those
14 involving residential uses or livestock or small animal husbandry; and further that the
15 proposed use can comply with Federal Aviation Administration regulations (FAR Part
16 103), which state that ultralight vehicle operations will not:

17 (i) create a hazard for other persons or property;

18 (ii) occur between sunset and sunrise;

19 (iii) occur over any substantially developed area of a city, town, or settlement,
20 particularly over residential areas or over any open air assembly of people; or

21 (iv) occur in an airport traffic area, control zone, terminal control area, or
22 positive control area without prior authorization of the airport manager with jurisdiction.

23 (21) Craft Shop:

24 (a) Articles shall not be manufactured by chemical processes;

25 (b) No more than three persons shall be employed at any one time in the
26 fabricating, repair, or processing of materials; and

27 (c) The aggregate nameplate horsepower rating of all mechanical equipment on
28 the premises shall not exceed two.

29 (22) Grocery and Drug Stores: In the FS zone, there shall be a 5,000-square foot
30 floor area limitation.

31 (23) Motor Vehicle and Equipment Sales: In the CB and CRC zone, all display,
32 storage, and sales activities shall be conducted indoors.

33 (24) Race Track: The track shall be operated in such a manner so as not to cause
34 offense by reason of noise or vibration beyond the boundaries of the subject property.

35 (25) Rural Industry:

36 (a) The number of employees shall not exceed 10;

37 (b) All operations shall be carried out in a manner so as to avoid the emission or
38 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water
39 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably
40 offensive or injurious to properties, residents, or improvements in the vicinity;

41 (c) The owner of the rural industry must reside on the same premises as the rural
42 industry and, in the RD zone, the residence shall be considered as a caretaker's
43 quarters; and

44 (d) Outside storage, loading or employee parking in the RD zone shall provide
45 15-foot wide Type A landscaping as defined in SCC 30.25.017.

46 (26) Sawmill, Shake and Shingle Mill:

1 (a) Such uses shall not include the manufacture of finished wood products such
2 as furniture and plywood, but shall include lumber manufacturing;

3 (b) The number of employees shall not exceed 25 during any eight-hour work
4 shift;

5 (c) All operations shall be carried out in a manner so as to avoid the emission or
6 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water
7 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably
8 offensive or injurious to properties, residents or improvements in the vicinity; and

9 (d) Sawmills and shakemills adjacent to a state highway in the RU zone shall
10 provide 25 feet of Type A landscaping as defined in SCC 30.25.017.

11 (27) Governmental and Utility Structures and Facilities:

12 Special lot area requirements for this use are contained in SCC 30.23.200.

13 (28) Excavation and Processing of Minerals:

14 (a) This use, as described in SCC 30.31D.010(2), is allowed in the identified
15 zones only where these zones coincide with the mineral lands designation in the
16 comprehensive plan (mineral resource overlay or MRO), except for the MC zone where
17 mineral lands designation is not required.

18 (b) An Administrative Conditional Use Permit or a Conditional Use Permit is
19 required pursuant to SCC 30.31D.030.

20 (c) Excavation and processing of minerals exclusively in conjunction with forest
21 practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry
22 zone.

23 (29) Medical Clinic, Licensed Practitioner: A prescription pharmacy may be
24 permitted when located within the main building containing licensed practitioner(s).

25 (30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to
26 property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined
27 in SCC 30.25.017.

28 (31) Boat Launch Facilities, Commercial or Non-commercial:

29 (a) The hearing examiner may regulate, among other factors, required launching
30 depth, lengths of existing docks and piers;

31 (b) Off-street parking shall be provided in an amount suitable to the expected
32 usage of the facility. When used by the general public, the guideline should be 32 to 40
33 spaces capable of accommodating both a car and boat trailer for each ramp lane of
34 boat access to the water;

35 (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be
36 provided;

37 (d) Pedestrian access to the water separate from the boat launching lane or
38 lanes may be required where it is deemed necessary in the interest of public safety;

39 (e) Safety buoys shall be installed and maintained separating boating activities
40 from other water-oriented recreation and uses where this is reasonably required for
41 public safety, welfare, and health; and

42 (f) All site improvements for boat launch facilities shall comply with all other
43 requirements of the zone in which it is located.

44 (32) Campground:

45 (a) The maximum overall density shall be seven camp or tent sites per acre; and

46 (b) The minimum site size shall be 10 acres.

- 1 (33) Commercial Vehicle Home Basing:
- 2 (a) The vehicles may be parked and maintained only on the property wherein
- 3 resides a person who uses them in their business;
- 4 (b) Two or more vehicles may be so based; and
- 5 (c) The vehicles shall be in operable conditions.
- 6 (34) Distillation of Alcohol:
- 7 (a) The distillation shall be from plant products, for the purpose of sale as fuel,
- 8 and for the production of methane from animal waste produced on the premises;
- 9 (b) Such distillation shall be only one of several products of normal agricultural
- 10 activities occurring on the premises; and
- 11 (c) By-products created in this process shall be used for fuel or fertilizer on the
- 12 premises.
- 13 (35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord.
- 14 04-010 effective March 15, 2004)
- 15 (36) Mobile Home and Travel Trailer Sales:
- 16 (a) Property shall directly front upon a principal or minor arterial in order to
- 17 reduce encroachment into the interior of IP designated areas;
- 18 (b) The hearing examiner shall consider the visual and aesthetic characteristics
- 19 of the use proposal and determine whether nearby business and industrial uses,
- 20 existing or proposed, would be potentially harmed thereby. A finding of potential
- 21 incompatibility shall be grounds for denial;
- 22 (c) The conditional use permit shall include a condition requiring mandatory
- 23 review by the hearing examiner at intervals not to exceed five years for the express
- 24 purpose of evaluating the continued compatibility of the use with other IP uses. The
- 25 review required herein is in addition to any review which may be held pursuant to SCC
- 26 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;
- 27 (d) Such use shall not be deemed to be outside storage for the purpose of SCC
- 28 30.25.024; and
- 29 (e) Such use shall be temporary until business or industrial development is timely
- 30 on the site or on nearby IP designated property.
- 31 (37) Small Animal Husbandry: There shall be a five-acre minimum site size.
- 32 (38) Mobile Home Park: Such development must fulfill the requirements of
- 33 chapter 30.42E SCC.
- 34 (39) Sludge Utilization: See SCC 30.28.085.
- 35 (40) Homestead Parcel: See SCC 30.28.055.
- 36 (41) Special Setback Requirements for this use are contained in SCC 30.23.110.
- 37 (42) Minimum Lot Size for duplexes shall be one and one-half times the minimum
- 38 lot size for single family dwellings. In the RU zone, this provision only applies when the
- 39 minimum lot size for single family dwellings is 12,500 square feet or less.
- 40 (43) Petroleum Products and Gas, Bulk Storage:
- 41 (a) All above ground storage tanks shall be located 150 feet from all property
- 42 lines; and
- 43 (b) Storage tanks below ground shall be located no closer to the property line
- 44 than a distance equal to the greatest dimensions (diameter, length or height) of the
- 45 buried tank.
- 46 (44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of

1 seven feet high shall be established and maintained in the LI zone. For requirements
2 for this use, SCC 30.25.020 and 30.25.050 applies.

3 (45) Antique Shops when established as a home occupation as regulated by SCC
4 30.28.050(1); provided further that all merchandise sold or offered for sale shall be
5 predominantly "antique" and antique-related objects.

6 (46) Billboards: See SCC 30.27.080 for specific requirements.

7 (47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is permitted on
8 three acres or more; a conditional use permit is required on less than three acres.

9 (48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.

10 (49) Restaurants and Personal Service Shops: Located to service principally the
11 constructed industrial park uses.

12 (50) Sludge Utilization: A conditional use permit is required for manufacture of
13 materials by a non-governmental agency containing stabilized or digested sludge for a
14 public utilization.

15 (51) Single Family and Multifamily Dwellings are a prohibited use, except for the
16 following:

17 (a) Existing dwellings that are nonconforming as a result of a county-initiated
18 rezone to BP may make improvements or additions provided such improvements are
19 consistent with the bulk regulations contained in chapter 30.23 SCC; provided further
20 that such improvements do not increase the ground area covered by the structural
21 portion of the nonconforming use by more than 100 percent of that existing at the
22 existing date of the nonconformance; and

23 (b) New single family and multifamily dwellings in the BP zone authorized
24 pursuant to the provisions of SCC 30.31A.140.

25 (52) Greenhouses, Lath Houses, and Nurseries:

26 (a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant
27 husbandry materials is permitted;

28 (b) The incidental sale of garden tools and associated gardening accessories
29 shall be permitted; however, the sale of motorized landscaping equipment such as lawn
30 mowers, weed eaters, edgers, and rototillers shall be prohibited;

31 (c) There shall be no on-site signs advertising uses other than the principal use;
32 and

33 (d) Incidental sales of garden tools and associated gardening accessories shall
34 be less than 25 percent of the sales of products produced in the greenhouse, lath
35 house, or nursery.

36 (53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores
37 in the BP zone.

38 (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site
39 in conjunction with a livestock auction facility.

40 (55) Noise of Machines and Operations in the LI and HI zones shall comply with
41 chapter 10.01 SCC and machines and operations shall be muffled so as not to become
42 objectionable due to intermittence, beat frequency, or shrillness.

43 (56) Sludge Utilization only at a completed sanitary landfill or on a completed cell
44 within a sanitary landfill, subject to the provision of SCC 30.28.085.

45 (57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC
46 30.28.095.

1 (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC
2 30.28.020.

3 (59) Detached accessory or non-accessory private garages and storage structures
4 are subject to the following requirements:

5 (a) Special setback requirements for these uses are contained in SCC
6 30.23.110(20);

7 (b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if
8 any, will not result in glare when viewed from the surrounding property or rights-of-way;

9 (c) The following compatibility standards shall apply:

10 (i) proposals for development in existing neighborhoods with a well-defined
11 character should be compatible with or complement the highest quality features,
12 architectural character and siting pattern of neighboring buildings. Where there is no
13 discernable pattern, the buildings shall complement the neighborhood. Development of
14 detached private garages and storage structures shall not interrupt the streetscape or
15 dwarf the scale of existing buildings of existing neighborhoods. Applicants may refer to
16 the Residential Development Handbook for Snohomish County Communities to review
17 techniques recommended to achieve neighborhood compatibility;

18 (ii) building plans for all proposals larger than 2,400 square feet in the
19 Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones and rural cluster
20 subdivisions shall document the use of building materials compatible and consistent
21 with existing on-site residential development exterior finishes;

22 (iii) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones
23 and rural cluster subdivisions, no portion of a detached accessory private garage or
24 storage structure shall extend beyond the building front of the existing single family
25 dwelling, unless screening, landscaping, or other measures are provided to ensure
26 compatibility with adjacent properties; and

27 (iv) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones
28 and rural cluster subdivisions, no portion of a detached non-accessory private garage or
29 storage structure shall extend beyond the building front of existing single family
30 dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the
31 subject property line. When a detached non-accessory private garage or storage
32 structure is proposed, the location of existing dwellings on adjacent properties located
33 within 10 feet of the subject site property lines shall be shown on the site plan;

34 (d) All detached accessory or non-accessory private garages and storage
35 structures proposed with building footprints larger than 2,400 square feet shall provide
36 screening or landscaping from adjacent properties pursuant to chapter 30.25 SCC. ;

37 (e) On lots less than ten acres in size having no established residential use,
38 only one non-accessory private garage and one storage structure shall be allowed. On
39 lots 10 acres or larger without a residence where the cumulative square footage of all
40 existing and proposed non-accessory private garages and storage structures is 6,000
41 square feet or larger, a conditional use permit shall be required.

42 (f) Where permitted, separation between multiple private garages or storage
43 structures shall be regulated pursuant to subtitle 30.5 SCC.

44 (60) The cumulative square footage of all detached accessory and non-accessory
45 private garages and storage structures shall not exceed 6,000 square feet on any lot
46 less than 5 acres, except this provision shall not apply in the LDMR, MR, T, NB, GC,

1 PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI zones.

2 (61) Museums: Museums within the agriculture A-10 zone are permitted only in
3 structures which are legally existing on October 31, 1991.

4 (62) Accessory Apartments: See SCC 30.28.010.

5 (63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage
6 Facilities: See SCC 30.28.090.

7 (64) RESERVED for future use.

8 (65) On-site Hazardous Waste Treatment and Storage Facilities are allowed only
9 as an incidental use to any use generating hazardous waste which is otherwise allowed;
10 provided that such facilities demonstrate compliance with the state siting criteria for
11 dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-
12 303-282 as now written or hereafter amended.

13 (66) An application for a conditional use permit to allow an off-site hazardous
14 waste treatment and storage facility shall demonstrate compliance with the state siting
15 criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and
16 WAC 173-303-282 as now written or hereafter amended.

17 (67) Adult Entertainment Uses: See SCC 30.28.015.

18 (68) Special Building Height provisions for this use are contained in SCC
19 30.23.050(2)(d).

20 (69) Bakery: In the NB zone, the gross floor area of the use shall not exceed
21 1,000 square feet and the bakery business shall be primarily retail in nature.

22 (70) Equestrian Centers are allowed with a conditional use permit on all lands
23 zoned A-10 except in that portion of the special flood hazard area of the lower
24 Snohomish and Stillaguamish rivers designated density fringe as described in chapter
25 30.65 SCC.

26 (71) Mini-equestrian Centers are allowed as a permitted use on all lands zoned A-
27 10 except in that portion of the special flood hazard area of the lower Snohomish and
28 Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

29 (72) Equestrian Centers and Mini-equestrian Centers require the following:

30 (a) Five-acre minimum site size for a mini-equestrian center;

31 (b) Covered riding arenas shall not exceed 15,000 square feet for a mini-
32 equestrian center; provided that stabling areas, whether attached or detached, shall not
33 be included in this calculation;

34 (c) Any lighting of an outdoor or covered arena shall be shielded so as not to
35 glare on surrounding properties or rights-of-way;

36 (d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC
37 30.25.017 is required to screen any outside storage, including animal waste storage,
38 and parking areas from adjacent properties;

39 (e) Riding lessons, rentals, or shows shall only occur between 8 a.m. and 9 p.m.;

40 (f) Outside storage, including animal waste storage, and parking areas shall be
41 set back at least 30 feet from any adjacent property line. All structures shall be set back
42 as required in SCC 30.23.110(8); and

43 (g) The facility shall comply with all applicable county building, health, and fire
44 code requirements.

45 (73) Temporary Residential Sales Coach (TRSC):

46 (a) The commercial coach shall be installed in accordance with all applicable

provisions within chapter 30.54A SCC;

(b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road rights-of-way and five feet from proposed and existing property lines;

(c) Vehicular access to the temporary residential sales coach shall be approved by the county or state; and

(d) Temporary residential sales coaches may be permitted in approved preliminary plats, prior to final plat approval, when the following additional conditions have been met:

(i) plat construction plans have been approved;

(ii) the fire marshal has approved the TRSC proposal;

(iii) proposed lot lines for the subject lot are marked on site; and

(iv) the site has been inspected for TRSC installation to verify compliance with all applicable regulations and plat conditions, and to assure that land disturbing activity, drainage, utilities infrastructure, and native growth protection areas are not adversely affected.

(74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf course or driving range shall not be allowed. Land disturbing activity shall be limited in order to preserve prime farmland. At least 75 percent of prime farmland on site shall remain undisturbed.

(75) Model Hobby Park: SCC 30.28.060.

(76) Commercial Retail Uses are not allowed in the Light Industrial and Industrial Park zones when said zones are located in the Maltby UGA of the comprehensive plan, and where such properties are, or can be served by railway spur lines.

(77) Studio: Studio uses may require the imposition of special conditions to ensure compatibility with adjacent residential, multiple family, or rural-zoned properties. The hearing examiner may impose such conditions when deemed necessary pursuant to the provisions of chapter 30.42C SCC. The following criteria are provided for hearing examiner consideration when specific circumstances necessitate the imposition of conditions:

(a) The number of nonresident artists and professionals permitted to use a studio at the same time may be limited to no more than 10 for any lot 200,000 square feet or larger in size, and limited to five for any lot less than 200,000 square feet in size;

(b) The hours of facility operation may be limited; and

(c) Landscape buffers may be required to visually screen facility structures or outdoor storage areas when the structures or outdoor storage areas are proposed within 100 feet of adjacent residential, multiple family, and rural-zoned properties. The buffer shall be an effective site obscuring screen consistent with Type A landscaping as defined in SCC 30.25.017.

(78) The gross floor area of the use shall not exceed 1,000 square feet.

(79) The gross floor area of the use shall not exceed 2,000 square feet.

(80) The gross floor area of the use shall not exceed 4,000 square feet.

(81) The construction contracting use in the Rural Business zone shall be subject to the following requirements:

(a) The use complies with all of the performance standards required by SCC 30.31F.100 and 30.31F.110;

(b) Not more than 1,000 square feet of outdoor storage of materials shall be

1 allowed and shall be screened in accordance with SCC 30.25.024;

2 (c) In addition to the provisions of SCC 30.22.130(81)(b), not more than five
3 commercial vehicles or construction machines shall be stored outdoors and shall be
4 screened in accordance with SCC 30.25.020 and 30.25.032;

5 (d) The on-site fueling of vehicles shall be prohibited; and

6 (e) The storage of inoperable vehicles and hazardous or earth materials shall be
7 prohibited.

8 (82) Manufacturing, Heavy includes the following uses: Distillation of wood, coal,
9 bones, or the manufacture of their by-products; explosives manufacturing; manufacture
10 of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting
11 of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine,
12 creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling
13 or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.028.

14 (83) "All other forms of manufacture not specifically listed" is a category which
15 uses manufacturing workers, as described under the Dictionary of Occupational Titles,
16 published by the US Department of Labor, to produce, assemble or create products and
17 which the director finds consistent with generally accepted practices and performance
18 standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and
19 30.91M.026.

20 (84) RESERVED for future use.

21 (85) A single family dwelling may have only one guesthouse.

22 (86) Outdoor display or storage of goods and products is prohibited on site.

23 (87) Wedding Facility:

24 (a) Such use is permitted only:

25 (i) on vacant and undeveloped land;

26 (ii) on developed land, but entirely outside of any permanent structure;

27 (iii) partially outside of permanent structures and partially inside of one
28 or more permanent structures which were legally existing on
29 January 1, 2001; or

30 (iv) entirely inside of one or more permanent structures which were
31 legally existing on January 1, 2001;

32 (b) The applicant shall demonstrate that the following criteria are met with respect
33 to the activities related to the use:

34 (i) compliance with the noise control provisions of chapter 10.01 SCC;

35 (ii) adequate vehicular site distance and safe turning movements exist
36 at the access to the site consistent with the EDDS as defined in title 13 SCC; and

37 (iii) adequate sanitation facilities are provided on site pursuant to
38 chapter 30.52A SCC and applicable Snohomish Health District provisions;

39 (c) Adequate on-site parking shall be provided for the use pursuant to SCC
40 30.26.035;

41 (d) A certificate of occupancy shall be obtained pursuant to chapter 30.52A SCC
42 for the use of any existing structure. The certificate of occupancy shall be subject
43 to an annual inspection and renewal pursuant to SCC 30.53A.060 to ensure
44 building and fire code compliance;

45 (e) In the A-10 zone, the following additional requirements apply:

- (i) the applicant must demonstrate that the use is accessory to the primary use of the site for agricultural purposes and supports, promotes or sustains agricultural operations and production;
- (ii) the use must be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties;
- (iii) the use and all activities and structures related to the use must be consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site;
- (iv) the use and all activities and structures related to the use must be located within the general area of the property that is already developed for buildings and residential uses;
- (v) the use and all activities and structures related to the use shall not convert more than one acre of agricultural land to nonagricultural uses; and
- (vi) any land disturbing activity required to support the use shall be limited to preserve prime farmland.

(88) Public/Institutional Use Designation (P/IU): When applied to land that is (a) included in an Urban Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-8,400 and R-9,600 zones shall allow only the following permitted or conditional uses: churches, and school instructional facilities. All other uses are prohibited within areas that meet criteria (a) and (b), unless the P/IU designation is changed.

(89) Hotel/Motel uses are permitted in the Light Industrial zone when the following criteria are met:

- (a) The Light Industrial zone is located within a municipal airport boundary;
- (b) The municipal airport boundary includes no less than 1000 acres of land zoned light industrial; and
- (c) The hotel/motel use is served by both public water and sewer.

(90) Health and social service facilities regulated under this title do not include secure community transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See SCC 30.91H.095.

(a) Snohomish County is preempted from regulation of SCTFs. In accordance with the requirements of state law the county shall take all reasonable steps permitted by chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every effort shall be made by the county through the available state procedures to ensure strict compliance with all relevant public safety concerns, such as emergency response time, minimum distances to be maintained by the SCTF from "risk potential" locations, electronic monitoring of individual residents, household security measures and program staffing.

(b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from evaluating, commenting on, or proposing public safety measures to the state of Washington in response to a proposed siting of a SCTF in Snohomish County.

(c) Nothing herein shall be interpreted to require or authorize the siting of more beds or facilities in Snohomish County than the county is otherwise required to site for

1 its SCTFs pursuant to the requirements of state law.

2 (91) Level II health and social service uses are allowed outside the UGA only
3 when the use is not served by public sewer.

4 (92) The area of the shooting range devoted to retail sales of guns, bows, and
5 related equipment shall not exceed one-third (1/3) of the gross floor area of the shooting
6 range and shall be located within a building or structure.

7 (93) Farmers Market: See SCC 30.28.036.

8 (94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.

9 (95) Farmland Enterprise: See SCC 30.28.037.

10 (96) Public Events/Assemblies on Farmland: Such event or assembly shall:

11 (a) Comply with the requirements of ((Chapter)) chapter 6.37 SCC; and

12 (b) Not exceed two events per year. No event shall exceed two weeks in
13 duration.

14 (97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square
15 feet.

16 (98) Recreational Facility Not Otherwise Listed in Ag-10 zone: See SCC 30.28.076.

17 (99) Farm Stand: See SCC 30.28.039.

18 (100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated
19 riverway commercial farmland, upland commercial farmland or local commercial
20 farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A)
21 when sited on land not designated riverway commercial farmland, upland commercial
22 farmland or local commercial farmland in the comprehensive plan.

23 (101) Farmers Market: Allowed as a Permitted Use (P) when sited on land
24 designated riverway commercial farmland, upland commercial farmland or local
25 commercial farmland in the comprehensive plan. Allowed as an Administrative
26 Conditional Use (A) when sited on land not designated riverway commercial farmland,
27 upland commercial farmland or local commercial farmland in the comprehensive plan.

28 (102) Community Facilities for Juveniles in R-5 zones must be located within one
29 mile of an active public transportation route at the time of permitting.

30 (103) All community facilities for juveniles shall meet the performance standards set
31 forth in SCC 30.28.025.

32 (104) Personal wireless telecommunications service facilities: See chapter 30.28A
33 SCC and landscaping standards in SCC 30.25.025.

34 (105) Personal wireless telecommunications service facilities are subject to a
35 building permit pursuant to SCC 30.28A.020 and the development standards set forth in
36 chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

37 (106) A building permit only is required for facilities co-locating on existing utility
38 poles, towers, and/or antennas unless otherwise specified in 30.28A SCC.

39 (107) Agricultural composting requirements:

40 (a) On-farm site agricultural composting operations that comply with the
41 requirements established in this section are allowed in the A-10 zone. These composting
42 facilities and operations shall be constructed and operated in compliance with all
43 applicable federal, state and local laws, statutes, rules and regulations. The Nutrient
44 Management Plan portion of the farm's Snohomish Conservation District Farm Plan or
45 any other established nutrient management plan must be on file with the department
46 when any application for a land use permit or approval is submitted to the department

1 for the development of an agricultural composting facility. Farm site agricultural
2 composting operations shall also comply with the following criteria:

3 (i) The composting operation shall be limited to 10 percent of the total farm
4 site area;

5 (ii) At least 50 percent of the composted materials shall be agricultural
6 waste;

7 (iii) At least 10 percent of the agricultural wastes must be generated on the
8 farm site;

9 (iv) A maximum of 500 cubic yards of unsuitable incidental materials
10 accumulated in the agricultural waste such as rock, asphalt, or concrete over 3
11 inches in size may be stored at the farm composting facility until its proper
12 removal. All incidental materials must be removed from the site yearly; and

13 (v) A minimum of 10 percent of the total volume of the finished compost
14 produced annually shall be spread on the farm site annually.

15 (b) In all other zones except A-10 where agriculture is a permitted use, incidental
16 agricultural composting of agricultural waste generated on a farm site is permitted. The
17 agricultural composting facility shall be constructed and operated in compliance with all
18 applicable federal, state and local laws, statutes, rules and regulations. The Nutrient
19 Management Plan portion of the farm's Snohomish Conservation District Farm Plan or
20 any other established nutrient management plan must be on file with the department
21 when any permit application is submitted to the department for the development of an
22 agricultural composting facility.

23 (108) RESERVED for future use. (Urban Center Demonstration Program
24 projects – DELETED by Ord. 09-079)

25 (109) Privately operated off-road vehicle (ORV) use areas shall be allowed by
26 conditional use permit on Forestry and Recreation (F&R) zoned property designated
27 Forest on the comprehensive plan future land use map. These areas shall be identified
28 by an F&R ORV suffix on the zoning map. Privately operated ORV use areas are
29 regulated pursuant to SCC 30.28.080, SCC 30.28.085 and other applicable county
30 codes.

31 (110) Recreational Facility Not Otherwise Listed: Playing fields permitted in
32 accordance with chapter 30.33B SCC are allowed as a Permitted Use (P) when sited on
33 designated recreational land as identified on the future land use map in the county's
34 comprehensive plan.

35 (111) Recreational Facility Not Otherwise Listed: Playing fields not permitted in
36 accordance with chapter 30.33B SCC are allowed as an Administrative Conditional Use
37 (A) when sited on designated recreational land as identified on the future land use map
38 in the county's comprehensive plan.

39 (112) ~~((Land zoned R-5 and having an RA overlay, depicted as R-5-RA on the
40 official zoning map, is a Transfer of Development Rights (TDR) receiving area and,
41 consistent with the comprehensive plan, will be retained in the R-5-RA zone until
42 regulatory controls are in place which ensure that TDR certificates issued pursuant to
43 SCC 30.35A.050 will be required for development approvals within the receiving area.))~~
44 RESERVED for future use. (Transfer of Development Rights receiving area overlay –
45 DELETED by Ord. 13-)

46 (113) Privately operated motocross racetracks are allowed by conditional use

1 permit, and are regulated pursuant to SCC 30.28.100, SCC 30.28.105, and other
2 applicable county codes. Motocross racetracks are allowed in the Forestry and
3 Recreation (F&R) zone only on commercial forest lands.

4 (114) New AM radio towers are prohibited. AM radio towers either constructed
5 before October 13, 2010, or with complete applications for all permits and approvals
6 required for construction before October 13, 2010, shall not be considered
7 nonconforming uses and they may be repaired, replaced, and reconfigured as to the
8 number and dimensions of towers so long as the repair, replacement, or reconfiguration
9 occurs on the parcel where the tower was originally constructed or permitted and it does
10 not increase the number of AM radio towers constructed on the parcel.

11 (115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay
12 (MRO). Public park is a permitted use on reclaimed portions of mineral excavation sites
13 with the MRO.

14 (116) See cottage housing design standard requirements in chapter 30.41G SCC

15 (117) A drive-through either freestanding or associated with any permitted use shall
16 not be permitted.

17 (118) This use is only permitted when associated with a public or private marina.

18 (119) Only building mounted personal wireless communications facilities shall be
19 permitted.

20 (120) Allowed as a conditional use only with a Park-and-Pool Lot or a Park-and-
21 Ride Lot.

22 (121) Permitted as an incidental use with a permitted use, conditional use or
23 administrative conditional use.

24
25 Section 6. Snohomish County Code Section 30.34A.220, added by Amended
26 Ordinance No. 09-079 on May 12, 2010, is repealed.

27
28 Section 7. Snohomish County Code Section 30.35A.010, last amended by Amended
29 Ordinance No. 06-055 on July 19, 2006, is amended to read:

30
31 30.35A.010 Transfer of development rights (TDR) purpose and applicability.

32 (1) Purpose. The purpose of this chapter is to establish a voluntary and incentive-
33 based process, based on free market principles, to conserve natural resource and open
34 space lands for the use and enjoyment of future generations by allowing the transfer of
35 development rights from lands with significant conservation values to lands considered
36 more appropriate for development. This chapter creates a TDR program within
37 Snohomish County, provides for Snohomish County participation in the regional TDR
38 program authorized by chapter 43.362 RCW, and complies with requirements in state
39 law for cities within Snohomish County to participate in the regional TDR program
40 authorized by chapter 43.362 RCW and in the local infrastructure project areas program
41 authorized by chapter 39.108 RCW. Subject to the requirements of this chapter, the
42 transfer of development rights from sites located within TDR sending areas to sites
43 located within TDR receiving areas is allowed in order to:

44 (a) permanently preserve natural resource and open space lands with
45 countywide public benefit;

46 (b) provide flexibility and better use of land and building techniques;

1 (c) help preserve commercial farmlands and forest lands (~~((designated as TDR~~
2 ~~sending areas))~~) by reducing residential development within such areas;

3 (d) implement the goals, policies, and objectives of the (~~countywide planning~~
4 ~~policies, the~~) comprehensive plan (~~(, and the provisions of this chapter.)~~); and

5 (e) comply with requirements in state law to allow Snohomish County and
6 eligible cities within Snohomish County to participate in the regional TDR program.

7 (2) Applicability. The requirements of this chapter do not apply to the processing or
8 issuance of building permits (~~(or other development approvals)~~). This chapter
9 (~~((supplements county land use regulations and resource land protection efforts by~~
10 ~~establishing))~~) establishes requirements for:

11 (a) determining the number of certified development rights that a sending site is
12 eligible to transfer (~~((based on the overall developable area of the site multiplied by a~~
13 ~~transfer ratio, which is intended to provide an incentive for use of the TDR program))~~);

14 (b) issuing TDR certificates reflecting the number of certified development rights
15 that a sending site is eligible to transfer;

16 (c) conveying TDR certificates and recording conservation easements that restrict
17 development on sending sites;

18 (d) qualifying TDR sending sites and TDR receiving sites (~~(, in accordance with~~
19 ~~the comprehensive plan))~~);

20 (e) applying certified development rights to TDR receiving sites and the extent of
21 increased development allowed on receiving sites;

22 (f) purchasing, holding and selling certified development rights by the county; and

23 (g) interlocal agreements providing for the use of TDR certificates within
24 incorporated TDR receiving areas.

25
26 Section 8. Snohomish County Code Section 30.35A.020, last amended by Amended
27 Ordinance No. 06-046 on July 19, 2006, is amended to read:

28
29 30.35A.020 (~~((Transfer of development rights (TDR)))~~) TDR overview.

30
31 (1) Issuance and conveyance of TDR certificates. Subject to the requirements of this
32 chapter, sending site owners may obtain from the department serially numbered TDR
33 certificates reflecting the number of certified development rights that may be transferred
34 from the sending site owner to a purchaser, and which may thereafter be freely
35 transferred from purchaser to purchaser until ultimately applied to a receiving site
36 located within a receiving area. The number of certified development rights (~~((credited~~
37 ~~to))~~) that can be transferred from a sending site is determined based on the (~~((overall~~
38 ~~developable area))~~) size, zoning, and current development of the sending site. TDR
39 certificates may be applied to receiving sites pursuant to the requirements of this
40 chapter or pursuant to (~~((applicable))~~) city regulations consistent with interlocal
41 agreements or the regional TDR program authorized by chapter 43.362 RCW. (~~((,))~~)

42 (2) Grant of TDR conservation easement. TDR certificates may be issued in
43 exchange for a conservation easement granted to the county pursuant to the
44 requirements of this chapter. The TDR conservation easement is used to conserve (~~(,~~
45 ~~for agricultural use,))~~) the sending site for which TDR certificates are certified by

1 removing the potential for future single family or other primary dwellings, subdivision,
2 short subdivision, or boundary line adjustments.

3 (3) Application of certified development rights to receiving areas. Subject to the
4 requirements of this chapter or applicable city regulations, certified development rights,
5 as reflected by properly issued TDR certificates, may be used to obtain development
6 incentives within designated TDR receiving areas.

7 (4) County purchase, holding and sale of certified development rights. Subject to
8 the requirements of this chapter, the county may purchase certified development rights
9 from the TDR pilot program sending area and hold those rights for subsequent resale.

10
11 Section 9. A new section is added to Chapter 30.35A of the Snohomish County Code to
12 read:

13
14 30.35A.025 Designation of TDR sending areas.

15
16 (1) All land designated on the Future Land Use Map as Local Commercial
17 Farmland, Upland Commercial Farmland, Riverway Commercial Farmland, Commercial
18 Forest, Local Forest, and Commercial Forest – Forest Transition Area is designated as
19 a sending area from which certified development rights can be transferred, consistent
20 with RCW 43.362.040(1)(a) and the comprehensive plan.

21 (2) To allow rural landowners to participate in the TDR program and expand the
22 permanently protected base of designated natural resource lands, land in rural land use
23 designations shall be designated as a sending area if it meets all of the following
24 conditions, consistent with RCW 43.362.040(1)(b) and the comprehensive plan:

25 (a) it is a minimum of five contiguous acres if proposed for redesignation to
26 farmland or a minimum of 40 contiguous acres if proposed for redesignation to forest
27 land;

28 (b) the zoning of the land at the time of the TDR application has a minimum lot
29 area of at least 200,000 square feet;

30 (c) the land is enrolled in the open space tax program as Open Space Farm and
31 Agriculture or Open Space Timber at the time of the TDR application;

32 (d) the land is in active commercial agriculture or forest use; and

33 (e) the land is redesignated to a farmland or forest land use designation and
34 rezoned to a corresponding resource zone before or at the time of issuance of TDR
35 certificates.

36 (3) The county may designate additional sending areas by interlocal agreement,
37 development agreement, or code amendment if it finds that the area to be designated
38 has significant conservation, watershed, habitat, open space, or natural resource
39 values, and its conservation meets state and regionally adopted priorities consistent
40 with RCW 43.362.040(1)(c).

41 (4) Based on a completed application by a landowner, the County Council may by
42 motion designate additional sending areas if it finds that the area to be designated has
43 significant conservation, watershed, habitat, open space, or natural resource values,
44 and its conservation meets state and regionally adopted priorities consistent with RCW
45 43.362.040(1)(c).

Section 10. Snohomish County Code Section 30.35A.030, last amended by Amended Ordinance No. 08-062 on October 1, 2008, is amended to read:

30.35A.030 ~~((Transfer of development rights--))~~ TDR sending sites.

In order for development rights to be certified for a sending site pursuant to SCC 30.35A.050 or transferred from a sending site pursuant to SCC 30.35A.080, all of the following requirements must be met:

(1) Location within a sending area required. The sending site must be located within a designated sending area ~~((designated on the future land use map and reflected on the official zoning map))~~. However, the sending site need not include all land owned by the applicant within the sending area provided that all requirements of this section are met.

(2) Sending site must follow established lot lines. The boundaries of a sending site must follow established lot lines and cannot include less than the entire portion of a lot, as defined in Title 30 SCC.

(3) Inclusion of substandard lots required. A sending site must include any lots that have substandard area under current zoning where such lots are adjacent to and contiguous with land included within the sending site and are owned by the sending site landowner.

(4) Private ownership required. The sending site must be owned by a private individual or entity, and may not be owned by municipal corporations, special purpose districts, or government bodies.

(5) Minimum size. The sending site must include at least five contiguous acres of land.

~~((5))~~ (6) Code compliance required. If the sending site is the subject of code enforcement action by the county, the person responsible upon whom a notice for a violation has been served pursuant to chapter 30.85 SCC must resolve these violations, including any required abatement, restoration, or payment of civil penalties, before development rights for the sending site may be certified or transferred by a sending site landowner. ~~((This requirement may be waived at the discretion of the director where a proposal is in the public interest, provided that any outstanding code violations do not materially affect the agricultural production capability of the sending site and the person responsible for code compliance is making a good faith effort to resolve the violations. Waivers granted pursuant to this subsection are solely for the purpose of TDR sending site eligibility and do not constitute a waiver of any county land use regulations or affect ongoing or future code enforcement actions related to the sending site.))~~

~~((6))~~ (7) Forest practices compliance required. For lots on which the entire lot or a portion of the lot has been cleared or graded pursuant to a Class II, III or IV special forest practices permit as defined by RCW 76.09.050 within the six years prior to application for certification or transfer of development rights, the applicant must provide an affidavit of compliance with the reforestation requirements of RCW 76.09.070, WAC 222-34-010 and any additional reforestation conditions of their forest practice permit. Lots that are subject to a six-year moratorium on development applications pursuant to RCW 76.09.060 shall not be qualified as TDR sending sites until such moratoria have expired or been lifted.

Section 11. Snohomish County Code Section 30.35A.040, last amended by Amended Ordinance No. 08-101 on January 1, 2009, is amended to read:

30.35A.040 ~~((Transfer of development rights (TDR) —))~~ TDR sending site calculations.

(1) Calculation for transfer purposes only. The determination of the number of certified development rights that a sending site is eligible to transfer ~~((pursuant to this section, including the determination of TDR net area pursuant to subsection 3 of this section and the application of a TDR transfer density pursuant to subsection 4 of this section,))~~ shall be valid for transfer purposes only and shall not entitle the sending site landowner to building permits or other development approvals.

(2) Calculation for countywide and regional certified development rights. The number of certified development rights that a sending site is eligible to transfer through the countywide TDR program or the regional TDR program shall be:

(a) the number of legal, existing, unimproved lots larger than 5,000 square feet and not counted in subsection 2(b) of this section;

(b) plus the sum of:

(i) the area in acres of lots not counted in subsection 2(a) of this section and designated as Commercial Forest, Local Forest, or Commercial Forest – Forest Transition Area on the Comprehensive Plan Future Land Use Map, minus any area already subject to a conservation easement or similar encumbrance, divided by 80 acres, rounded down to the nearest whole number; plus

(ii) the area in acres of lots not counted in subsection 2(a) of this section and designated as Low Density Rural Residential on the Comprehensive Plan Future Land Use Map, minus any area already subject to a conservation easement or similar encumbrance, divided by 20 acres, rounded down to the nearest whole number; plus

(iii) the area in acres of lots not counted in subsection 2(a) of this section and designated as Local Commercial Farmland, Upland Commercial Farmland, Riverway Commercial Farmland, Rural Residential-10, or Rural Residential-10 (Resource Transition) on the Comprehensive Plan Future Land Use Map, minus any area already subject to a conservation easement or similar encumbrance, divided by 10 acres, rounded down to the nearest whole number; plus

(iv) the area in square feet of lots not counted in subsection 2(a) of this section and designated as Rural Residential-5, Rural Residential, or Rural Residential RD on the Comprehensive Plan Future Land Use Map, minus any area already subject to a conservation easement or similar encumbrance, divided by 200,000 square feet, rounded down to the nearest whole number;

(v) minus the number of existing single family dwellings or other primary dwelling units on all lots in the sending site.

(3) Option in TDR pilot program sending area. Sending sites in the TDR pilot program sending area that meet the requirements of SCC 30.35A.030 are eligible for certified development rights that can be used in the countywide TDR program and the regional TDR program using the calculation in subsection 2 of this section, or for certified development rights that can be used in the TDR pilot program using the calculation in subsection 5 of this section, but not both. The calculation in subsection 2

of this section will be used and the certified development rights will be eligible for use in the countywide program and the regional program unless the applicant specifically requests that the certified development rights be issued for the TDR pilot program, in which case the calculation in subsection 5 of this section will be used.

(4) Limited ability to exchange certified development rights. Certified development rights issued for the countywide and regional TDR program cannot be converted to certified development rights for the TDR pilot program. Certified development rights for the TDR pilot program can be converted to certified development rights for the countywide and regional TDR programs by applying and paying the fees to obtain certified development rights under the countywide TDR program. In addition to all other application requirements, the original TDR certificates issued under the TDR pilot program must be provided to and extinguished by Snohomish County when the new TDR certificates are issued, and the original conservation easement must be vacated and replaced with a conservation easement pursuant to SCC 30.35A.060.

~~((2))~~ (5) ~~((Number of certified development rights))~~ Calculation for TDR pilot program certified development rights. The number of certified development rights that ~~((an unincorporated))~~ a sending site is eligible to transfer through the TDR pilot program shall be determined by multiplying the TDR net area for the sending site, as determined pursuant to subsection ~~((3))~~ 5(a) of this section, by the TDR transfer density ratio established for the sending site zone in subsection ~~((4))~~ 5(b) of this section. Any fractions that result from the calculation required by this subsection shall not be included in the final determination of total development rights available for transfer.

~~((3))~~ (a) TDR net area. For purposes of determining the number of certified development rights that a sending site can transfer pursuant to subsection ~~((4))~~ 5 of this section, the sending site net area shall equal the area of the sending site minus the following:

~~((a))~~ (i) The number of existing and proposed residential dwelling units or other residential, commercial, or industrial structures, if any, on the sending site multiplied by the minimum lot area, as determined pursuant to the bulk matrix at SCC Tables 30.23.030(1) and 30.23.030(2), for the applicable zone in which the sending site is located.

~~((b))~~ (ii) Any portion of the sending site that is already subject to a conservation easement or other recorded encumbrance restricting development on the sending site.

~~((c))~~ (iii) Any portion of the sending site that is delineated floodway on the flood insurance rate maps.

~~((4))~~ (b) TDR transfer density. For purposes of determining the number of certified development rights that a sending site is eligible to transfer pursuant to subsection 5 of this section, ~~((the following transfer densities shall apply:~~

~~((a) A))~~ a transfer density of 0.4 shall apply to sending sites located within the A-10 zone, computed as the base density of ~~((-4))~~ 0.1 dwelling unit per acre for the underlying zone multiplied by a transfer ratio of four.

~~((5))~~ ~~((Legal lots. In lieu of the calculation provided under subsection 2 of this section, the sending site shall, at the request of the applicant, be credited one certified development right, multiplied by the transfer density provided under subsection 4 of this section, for every legal lot with an area of 12,500 square feet or more that existed on or~~

1 ~~before March 15, 2005, as recognized through the department administrative lot status~~
2 ~~process.~~

3 (6) TDR calculation final. Except as otherwise provided by SCC
4 30.35A.050(~~((1))~~)(4)(b), the final determination of the number of certified development
5 rights that a sending site is eligible to transfer (~~((to a receiving site pursuant to~~
6 ~~subsection 1 of this section))~~) is the administrative authority of the director in accordance
7 with Chapter 30.81 SCC and shall not be revised due to subsequent rezones or other
8 changes to the sending site.

9
10 Section 12. Snohomish County Code Section 30.35A.050, added by Amended
11 Ordinance No. 04-123 on December 15, 2004, is amended to read:

12
13 30.35A.050 ~~((Transfer of development rights (TDR)))~~ ((c))Certification of development
14 rights and issuance of TDR certificates.

15 (1) ~~((TDR certification process.))~~ Subject to the requirements of this section, sending
16 site landowners may obtain TDR certificates which can be transferred pursuant to SCC
17 30.35A.070 and used by receiving area landowners to obtain density bonuses
18 ~~((pursuant to SCC 30.35A.080 through SCC 30.35A.120))~~ or other incentives
19 established in this chapter. The required process for obtaining TDR certificates ~~((is as~~
20 ~~follows:))~~ includes the application process in subsection 2 of this section, the
21 certification process in subsection 3 of this section, and the issuance process in
22 subsection 4 of this section.

23 ~~((a))~~ Following application for TDR certificates by the sending site owner pursuant
24 to subsection 2 of this section, the department shall issue a TDR certificate letter of
25 intent. The letter shall contain a determination of the number of development rights
26 calculated for the sending site pursuant to SCC 30.35A.040 and an agreement by the
27 department to issue a corresponding number of TDR certificates in exchange for a
28 sending site conservation easement granted to the county by the sending site owner
29 pursuant to SCC 30.35A.060. The sending site owner may use the TDR certificate
30 letter of intent to market sending site development rights to potential purchasers, but the
31 certificate letter of intent shall have no value and cannot be transferred or used to obtain
32 increased development rights within receiving areas.

33 ~~————~~ (b) As provided by the TDR certificate letter of intent, the department shall issue
34 serially numbered TDR certificates to the sending site owner upon acceptance of a
35 conservation easement pursuant to the requirements of SCC 30.35A.060; provided,
36 however, that the department shall have 14 days from the date the conservation
37 easement is offered by the sending site owner in which to conduct, at its discretion, a
38 review of the sending site permit file and/or a site inspection. If, based on such a
39 review, the department determines that conditions on the sending site are materially
40 different than those documented in the information provided to the department pursuant
41 to subsection 2 of this section, the department shall reject the conservation easement
42 and the TDR certificate letter of intent shall be null and void. Where a TDR certificate
43 has been determined to be null and void pursuant to this subsection, a sending site
44 owner may reapply for TDR certificates and such reapplications shall be subject to the
45 requirements of this section.))

1 (2) Application for TDR certificates. In order to obtain TDR certificates (~~((pursuant to~~
2 ~~subsection 1 of this section))~~), the sending site owner(s) must submit an application for
3 TDR certificates. The department shall use the application to determine whether the
4 sending site meets the requirements of SCC 30.35A.030 and, if so, the number of
5 certified development rights that the sending site is eligible to transfer pursuant to SCC
6 30.35A.040. The application shall include all of the following:

7 (a) Legal description and parcel numbers of the sending site for which TDR
8 certificates are sought.

9 (b) The following documents, (~~(which))~~ shall be used as the basis for determining
10 ~~((net area pursuant to SCC 30.35A.040(3)))~~ the number of certified development rights
11 for which the sending site is eligible pursuant to SCC 30.35A.040:

12 (i) If the sending site consists of one or more undivided tax parcels, the
13 applicant(s) shall provide either official records from the Snohomish County Assessor or
14 a survey that has been prepared and stamped by a surveyor licensed in the state of
15 Washington.

16 (ii) If the sending site consists of lots within one or more tax parcels, the
17 applicant(s) shall provide a survey that has been prepared and stamped by a surveyor
18 licensed in the state of Washington.

19 (iii) ~~((If the sending site consists of one or more tax parcels that are divided by~~
20 ~~a zoning boundary, the applicant(s) shall provide official copies of the quasi-judicial~~
21 ~~decision, administrative approval, or legislative enactment establishing the zoning~~
22 ~~boundary for each parcel.~~

23 ~~————(iv))~~ If one or more single family dwellings or other residential, commercial, or
24 industrial structures exist on the sending site, the applicant(s) shall submit a site map
25 showing the location of each dwelling or structure.

26 (iv) A calculation, on a form provided by the county, of the number of credits
27 that may be certified. The calculation will be subject to review and approval by the
28 director.

29 ~~((v) If the applicant(s) propose to build one or more single family dwellings, or~~
30 ~~other structures permitted by the sending site zoning, following the issuance of TDR~~
31 ~~certificates for the sending site, the applicant(s) shall submit a general site plan showing~~
32 ~~the number of dwellings and their location, as well as any proposed subdivision.))~~

33 (c) A title report issued no longer than 30 days prior to the date of application
34 confirming that the ownership interest(s) in the sending site are in the name(s) of the
35 person(s) whose signature(s) appear on the application for TDR certificates and that
36 there are no existing conservation easements or similar encumbrance on the sending
37 site other than an existing TDR conservation easement that will be vacated if the
38 application is a request to exchange TDR credits issued under the TDR pilot program
39 for TDR credits that can be used in the countywide program.

40 (d) ~~((A declaration by the applicant(s) stating that the sending site for which~~
41 ~~TDR certificates are sought contains only undivided legal lots, as required by SCC~~
42 ~~30.35A.030(2).~~

43 ~~————(e))~~ A declaration by the applicant(s), pursuant to SCC 30.35A.030(3), stating
44 that the sending site is not adjacent to any lot that has substandard area under current
45 zoning and is held in common ownership with the sending site.

1 ~~((f))~~ A declaration by the applicant(s) describing the status of ongoing code
2 enforcement actions, if any, relating to the sending site and the steps taken by the
3 applicant to resolve the violations.))

4 ~~((g))~~ (e) A declaration by the applicant(s) stating all liens, if any, that are
5 recorded against the sending site.

6 ~~((h))~~ (f) A review fee pursuant to SCC 30.86.135.

7 ~~((3) Supplemental information.))~~ (g) When the information required by subsection 2
8 of this section is inadequate or unavailable, the department may require additional
9 documentation from the ~~((applicant))~~ applicant(s) or rely on information contained in the
10 county geographic information system or other county records.

11 (3) Certification of TDR certificates. Following review and approval of an application
12 for TDR certificates, the department shall issue a TDR certificate letter of intent. The
13 letter shall contain a determination of the number of development rights calculated for
14 the sending site pursuant to SCC 30.35A.040, the land use designation and zoning of
15 the sending site, and an agreement by the department to issue a corresponding number
16 of TDR certificates in exchange for a sending site conservation easement granted to the
17 county by the sending site owner pursuant to SCC 30.35A.060. The certificate letter of
18 intent shall have no value and cannot be transferred or used to obtain increased
19 development rights within receiving areas.

20 (4) Issuance of TDR certificates.

21 (a) A conservation easement for the sending site shall be approved and
22 accepted by the county prior to issuing any TDR certificates. If the application is to
23 exchange TDR pilot program credits for TDR credits that can be used in the countywide
24 program, the original TDR pilot program conservation easement shall also be vacated.

25 (b) As provided by the TDR certificate letter of intent, the department shall issue
26 serially numbered TDR certificates to the sending site owner upon acceptance of a
27 conservation easement pursuant to the requirements of this section and SCC
28 30.35A.060.

29 (c) The department shall have 30 days from the date a TDR conservation
30 easement is offered and an inspection fee is accepted by the department to conduct a
31 review of the sending site file and perform a site inspection. If, based on such a review,
32 the department determines that conditions on the sending site are materially different
33 than those documented in the information provided to the department pursuant to
34 subsection 2 of this section, the department shall reject the conservation easement and
35 the TDR certificate letter of intent shall be null and void. Where a TDR certificate has
36 been determined to be null and void pursuant to this subsection, a sending site owner
37 may reapply for TDR certificates and such reapplications shall be subject to the
38 requirements of this section. TDR certificates shall specify the land use designation and
39 zoning of the sending site, which may determine the exchange rate or receiving area
40 ratio in receiving areas.

41
42 Section 13. Snohomish County Code Section 30.35A.060, added by Amended
43 Ordinance No. 04-123 on December 15, 2004, is amended to read:

44
45 30.35A.060 ~~((Transfer of development rights (TDR)))~~ TDR conservation easement.

1 (1) TDR conservation easement required. No TDR certificates shall be issued
2 pursuant to SCC 30.35A.050 unless a conservation easement is accepted by the
3 director pursuant to the requirements of this section.

4 (2) Acceptance and recording of TDR conservation easement. Subject to the
5 restrictions of SCC 30.35A.050(~~((4))~~)(4)(b), the director shall accept and sign on behalf
6 of the county a conservation easement offered by a sending site owner in exchange for
7 TDR certificates following issuance of a TDR certificate letter of intent; provided,
8 however, that the easement meets the requirements set forth in subsection 3 of this
9 section. Following acceptance of a conservation easement by the director, the
10 department shall record the easement with the county auditor.

11 (3) Requirements for TDR conservation easement. The conservation easement
12 shall be on a form approved by the prosecuting attorney and shall be reviewed and
13 approved by the department, subject to the requirements of this section. The easement
14 shall contain, at a minimum, all of the following:

15 (a) The serial numbers of the TDR certificates to be issued by the department on
16 the sending site that is the subject of the conservation easement.

17 (b) A legal description of the sending site.

18 (c) A covenant prohibiting any subdivision or short subdivision of the sending site
19 ~~((except for subdivisions, if any, that were proposed in the documentation submitted to~~
20 ~~the department pursuant to SCC 30.35A.050(2)(v))).~~

21 (d) A covenant prohibiting the construction of ~~((all))~~ any single family or other
22 primary residential ~~((, commercial, or industrial structures))~~ dwelling ~~((except for those~~
23 ~~dwelling, if any, that were proposed in the documentation submitted to the department~~
24 ~~pursuant to SCC 30.35A.050(2)(v))).~~ The covenant shall allow accessory dwellings,
25 farm worker dwellings and temporary dwelling units that are subservient to existing ~~((or~~
26 ~~proposed))~~ single family or other primary residential dwellings.

27 (e) A covenant prohibiting ~~((all uses that impair or diminish the agricultural use of~~
28 ~~the land))~~ boundary line adjustments to the sending site.

29 (f) A covenant that all provisions of the conservation easement shall run with the
30 land and bind the sending site in perpetuity, and may be enforced by the county.

31 (g) A statement that nothing in the restrictions shall be construed to convey to the
32 public a right of access or use of the property and that the owner of the property, his or
33 her heirs, successors and assigns shall retain exclusive rights to such access or use
34 subject to the terms of the conservation easement.

35 (h) ~~((Where certified development rights are being purchased by the county, any~~
36 ~~provisions that are required by applicable federal or state grants.~~

37 ~~——(i))~~ Additional provisions that are reasonably necessary for the enforcement and
38 administration of the conservation easement as determined by the director, including a
39 covenant granting the county a right of entry, subject to reasonable advance notice, to
40 conduct brief inspections for the sole purpose of determining compliance with the
41 requirements of the easement.

42
43 Section 14. Snohomish County Code Section 30.35A.070, added by Amended
44 Ordinance No. 04-123 on December 15, 2004, is amended to read:
45

1 30.35A.070 ~~((Transfer of development rights (TDR)))~~ ~~((e))~~ Conveyance of certified
2 development rights.
3

4 (1) Conveyance of certified development rights authorized. Subject to the
5 requirements of this section, TDR certificates issued pursuant to SCC 30.35A.050 may
6 be sold or otherwise conveyed and held indefinitely before certified development rights
7 are applied to a receiving site pursuant to SCC 30.35A.080 through SCC 30.35A.120.

8 (2) Deed of transferable development rights required. TDR certificates issued
9 pursuant to SCC 30.35A.050 shall be sold or otherwise conveyed only by means of a
10 deed of transferable development rights meeting the requirements of this section.

11 (3) Recording of deed and notice of transfer. At the time a TDR certificate is
12 conveyed, the parties shall record the deed of transferable development rights
13 documenting the conveyance and shall place a notice on the title of the sending site
14 indicating that a transfer of development rights has occurred and that there is a deed
15 restriction in the form of a conservation easement. The department shall review and
16 approve the deed of transferable development rights, subject to the requirements of this
17 section, prior to its recording. Costs associated with the recordation shall be paid by the
18 seller.

19 (4) Contents of deed. The deed of transferable development rights required by
20 subsection 3 of this section shall specify the number of certified development rights sold
21 or otherwise conveyed and ~~((shall be))~~ the land use designation and zoning of the
22 sending site on a form provided by the department and approved by the prosecuting
23 attorney. The deed of transferable development rights must include:

24 (a) A legal description and map of the sending site.

25 (b) The names of the transferor and the transferee.

26 (c) A covenant that the transferor grants and assigns to the transferee a specified
27 number of certified development rights from the sending site.

28 (d) Proof of ownership of the sending site by the transferor or, if the transferor is
29 not the owner of the sending site, a declaration that the transferor has either:

30 (i) sold the sending site but retained the TDR certificates issued for the
31 sending site pursuant to SCC 30.35.050; or

32 (ii) obtained TDR certificates previously conveyed by an original deed of
33 transferable development rights, which shall be identified by date of execution, the
34 names of the original transferor and transferee, and the volume and page where it was
35 recorded with the auditor.

36 (e) A covenant by which the transferor acknowledges no further use or right of
37 use with respect to the certified development rights being conveyed.

38 (f) Certification of the number of certified development rights on the sending site
39 and copies of the TDR certificates issued by the department for the sending site
40 pursuant to SCC 30.35A.050.

41 (g) Proof of payment to the state of any required excise taxes and payment to the
42 county of recording fees for the transaction.

43 (h) Proof of the execution and recordation of a conservation easement on the
44 sending site, as required by SCC 30.35A.060.

45 (i) The signature of the director on behalf of the county upon acceptance of
46 ~~((department staff member(s) who have reviewed))~~ the deed for completeness.

Section 15. A new section is added to Chapter 30.35A of the Snohomish County Code to read:

30.35A.080 TDR receiving areas.

(1) Cities. Cities may designate receiving areas and establish policies, procedures, and regulations for the application of certified development rights to receiving areas within their jurisdiction. Where allowed by cities, and subject to city regulations, certified development rights from sending areas in Snohomish County can be applied to receiving areas in cities either through the regional TDR program authorized by chapter 43.362 RCW or through interlocal agreements.

(2) Urban Center. All areas zoned Urban Center (UC) are designated as receiving areas. Certified development rights from sending areas in Snohomish County can be applied to receiving sites in Urban Centers to qualify for the development bonuses in SCC 30.34A.035.

(3) Comprehensive plan amendments. All areas where amendments to the comprehensive plan increase the maximum allowable number of lots or dwellings shall be designated as TDR receiving areas

(4) Rural zoning changes. All rural areas where changes in zoning increase the number of allowable lots or dwellings shall be designated as TDR receiving areas.

(5) Development code amendments and legislative rezones. All areas where amendments to the unified development code, title 30 SCC, or county-initiated rezones in support of subarea plans or other area-wide planning processes increase the maximum allowable number of lots or dwellings shall be designated as TDR receiving areas.

Section 16. A new section is added to Chapter 30.35A of the Snohomish County Code to read:

30.35A.090 Development allowed in TDR receiving areas without TDR credits.

The maximum number of lots or units permitted in receiving areas other than urban centers, if TDR credits are not used, shall be limited to the number that could have been permitted under the comprehensive plan and development regulations in effect as of November 10, 2012.

Section 17. A new section is added to Chapter 30.35A of the Snohomish County Code to read:

30.35A.100 Development allowed in TDR receiving areas with TDR credits.

(1) The maximum number of lots or units permitted in receiving areas other than urban centers may be increased up to the maximum allowed by the current or proposed comprehensive plan and development regulations, including bonuses, if TDR credits are used.

(2) The amount of development allowed in unincorporated Snohomish County TDR receiving areas for each TDR credit from farmland shall not exceed:

(a) 10,000 square feet of floor area in an urban center.

(b) Eight units in a multiple residential development with a density of 12 or more units per acre.

(c) Six units in a multiple residential development with a density of less than 12 units per acre.

(d) Four units in a single family residential development, including cottage housing and planned residential developments, that is inside an Urban Growth Area.

(3) The amount of development allowed in unincorporated Snohomish County TDR receiving areas for each TDR credit from land use designations that are not currently designated farmland, including land that is proposed for redesignation as farmland, shall not exceed:

(a) 5,000 square feet of floor area in an urban center.

(b) Four units in a multiple residential development with a density of 12 or more units per acre.

(c) Three units in a multiple residential development with a density of less than 12 units per acre.

(d) Two units in a single family residential development, including cottage housing and planned residential developments, that is inside an Urban Growth Area.

Section 18. Snohomish County Code Section 30.35A.115, added by Amended Ordinance No. 06-046 on July 19, 2006, is amended to read:

30.35A.115 ~~((Transfer of development rights (TDR) --))~~ ((a)) Application of TDR certificates to receiving sites and extinguishment of TDR certificates.

(1) Application to a TDR receiving site. TDR certificates shall be considered applied to a receiving site when a final decision has been made approving the receiving site development activity for which the TDR certificates are provided.

(2) Effect of applying TDR certificates to a receiving site. TDR certificates that have been applied to a receiving site pursuant to subsection 1 of this section shall be considered void by the county and may not be applied to receiving sites pursuant to this chapter; provided, however, that if a decision approving a receiving site development activity is appealed, the TDR certificates provided in connection with that approval shall not be considered void under this section unless the decision approving the development activity is affirmed following the exhaustion of all administrative and judicial appeals.

(3) TDR extinguishment document required. Upon application to a receiving site pursuant to subsection 1 of this section, the applicant receiving approval of a receiving site development activity shall provide a TDR extinguishment document to the department, if the receiving site is within unincorporated Snohomish County, or to the department and to the city, if the receiving site is in a city. The TDR extinguishment document shall be on a form provided by the department and shall include the serial number of each TDR certificate that has been applied to a receiving site and the legal

description of the receiving site to which the certificate(s) have been applied.

Extinguishment shall apply to an entire TDR certificate.

(4) Application to sites in cities. Cities that create receiving areas and accept certified development rights from sending areas in Snohomish County may adopt additional regulations and procedures for application of certified development rights to receiving sites within their jurisdiction.

(5) The department shall establish and maintain an internal tracking system that identifies all certified transfer of development rights from sending sites to receiving sites in unincorporated Snohomish County.

Section 19. Snohomish County Code Section 30.35A.125, added by Amended Ordinance No. 06-046 on July 19, 2006, is amended to read:

30.35A.125 ~~((Transfer of development rights (TDR))((i)))~~ Interlocal agreements for incorporated TDR receiving areas.

(1) Authorization. Subject to final approval by the county council, the county executive is authorized to negotiate and execute interlocal agreements with cities providing for the use of TDR certificates issued pursuant to this chapter in connection with development approvals within incorporated TDR receiving areas designated or zoned by a city. Execution of such agreements by the county shall be subject to the applicable requirements of this chapter and the comprehensive plan.

(2) Substantive requirements. Interlocal agreements executed by the county pursuant to subsection 1 of this section shall provide for the use of TDR certificates issued by the county pursuant to SCC 30.35A.050 in connection with development applications within incorporated TDR receiving areas ~~((following annexation))~~. Such agreements shall also contain additional provisions necessary to implement the comprehensive plan, including a process by which the city shall provide TDR certificates and an associated TDR extinguishment document to the county following transfer of the TDR certificates to an incorporated receiving site consistent with the requirements of SCC 30.35A.115.

Section 20. Snohomish County Code Section 30.35A.130, last amended by Amended Ordinance No. 06-046 on July 19, 2006, is amended to read:

30.35A.130 ~~((Transfer of development rights (TDR)))~~ TDR purchase, holding, and sale of certified development rights.

(1) Authorization. The county may from time to time buy, hold, and sell certified development rights in accordance with the requirements of this chapter.

(2) Purchase of certified development rights. The county may, at its discretion, publish requests for proposals to purchase certified development rights from landowners of sending sites located within the TDR pilot program sending area. Requests for proposals shall be published in a newspaper of general circulation at least thirty days prior to the last date upon which proposals shall be accepted. The request shall state the requirements for submitting proposals, including the deadline for submission, the name and address of the county contact person, the proposed sale

price, and any additional information required to be included in the proposal. Proposals received by the county in response to such requests shall be reviewed by the ~~((TDR advisory committee pursuant to SCC 30.35A.140, and the))~~ department ~~((shall present the committee's recommendations concerning the proposals))~~, which shall make recommendations to the county council. Subject to authorization by the county council, the purchase of certified development rights shall be conducted by the county executive consistent with the requirements of this chapter.

(3) Holding certified development rights. Certified development rights acquired by the county shall be deposited into and held in a TDR fund, established by ordinance.

(4) Sale of certified development rights. The sale of certified development rights shall be conducted by the county executive, or his or her designee, and shall be subject to the following requirements:

(a) The sale price shall equal or exceed the fair market value of the certified development rights, as determined based on prevailing market conditions.

(b) Sales shall occur through a competitive process, which shall be subject to the following requirements:

(i) A request for proposal to purchase certified development rights from the county shall be published in a newspaper of general circulation at least fourteen days before the last day upon which proposals shall be received. The request for proposal shall identify the number of certified development rights to be sold and the evaluation factors, including a minimum sale price, which shall be established by the county executive to evaluate proposals.

(ii) The request for proposal shall require that all proposals be in writing and state the number of certified development rights to be purchased.

(iii) All sales shall be made to the highest qualified bidder, provided that no offers below fair market value shall be accepted. The ~~((municipality))~~ county may reject any and all proposals for good cause and request new proposals.

(c) Payment for purchase of certified development rights from the county shall be made in full at the time the certified development rights are sold, unless, at the discretion of the administrator of the property management division, payment is secured by an irrevocable letter of credit or other security.

(d) The proceeds from sales of certified development rights shall be deposited into a TDR fund, established by ordinance.

~~((5) ((Exempt purchases. Compliance with the proposal requirements in subsection 2 of this section shall not be required for the purchase of TDR certificates issued for properties within the TDR sending areas listed in Attachment A to the Cooperative Agreement between the United States of America Commodity Credit Corporation and Snohomish County for the Farm and Ranch Lands Protection Program, dated September 24, 2003.)) The sale of certified development rights by Snohomish County may be completed consistent with its needs and in accordance with the requirements of this chapter. Such sales are exempt from the real and personal property provisions of chapter 4.46 SCC relating to surplus property.~~

Section 21. Snohomish County Code Section 30.35A.140, added by Amended Ordinance No. 04-123 on December 15, 2004, is repealed.

Section 22. Snohomish County Code Section 30.35A.150, added by Amended Ordinance No. 04-123 on December 15, 2004, is repealed.

Section 23. Chapter 30.35B of the Snohomish County Code, added by Ordinance No. 09-059 on June 3, 2009, is repealed.

Section 24. A new section is added to Chapter 30.42A of the Snohomish County Code to read:

30.42A.060 Receiving Area Designation and Requirement to Use TDR

When a Type 2 site-specific rezone outside the Urban Growth Area increases the maximum allowable number of lots or dwelling units, the site shall be designated as a TDR receiving area pursuant to SCC 30.35A.080. TDR Credits shall be required for any increase in lots or units above what was permitted under the comprehensive plan and development regulations in effect as of November 10, 2012.

Section 25. A new section is added to Chapter 30.73.035 of the Snohomish County Code to read:

30.73.035 Receiving Area Designation and Requirement to Use TDR

When a Type 3 legislative change to the comprehensive plan or development regulations increases the maximum allowable number of lots or dwelling units in an area, the area shall be designated as a TDR receiving area pursuant to SCC 30.35A.080. TDR Credits shall be required for any increase in lots or units above what was permitted under the comprehensive plan and development regulations in effect as of November 10, 2012.

Section 26. Snohomish County Code Section 30.86.135, last amended by Amended Ordinance No. 07-137 on December 12, 2007, is amended to read:

30.86.135 TDR Fees

Table 30.86.135 - TDR Fees

Activity	Fees
Processing and review of application for TDR certificates and issuance of TDR certificate letter of intent pursuant to SCC <u>30.35A.050(2) and (3)</u> ((30.35A.050(1)(a) ⁽⁺⁾))	\$600
Issuance of TDR certificates pursuant to SCC <u>30.35A.050(4)</u> ((30.35A.050(1)(a) ⁽⁺⁾))	\$150
Review of conservation easement pursuant to SCC 30.35A.060(3)((⁽⁺⁾))	\$250
Review of deed of transferable development rights pursuant to SCC 30.35A.070(3)((⁽⁺⁾))	\$150

Site Inspection pursuant to SCC <u>30.35A.050(4)(c)</u> (30.35A.050(1)(b))	\$250
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Section 27. Snohomish County Code Section 30.91R.025, added by Amended Ordinance No. 04-123 on December 15, 2004, is amended to read:

30.91R.025 Receiving area.

"Receiving area" means an area that (~~has been zoned as a TDR receiving area pursuant to chapter 30.35A SCC and~~) is eligible to receive certified development rights from TDR sending sites pursuant to SCC 30.35A.080.

Section 28. Snohomish County Code Section 30.91R.027, added by Amended Ordinance No. 04-123 on December 15, 2004, is amended to read:

30.91R.027 Receiving site.

"Receiving site" means a site located within a receiving area that meets the requirements of (~~chapter 30.35A~~) SCC 30.35A.090 for participation in the TDR program.

Section 29. Snohomish County Code Section 30.91S.125, added by Amended Ordinance No. 04-123 on December 15, 2004, is amended to read:

30.91S.125 Sending area.

"Sending area" means land designated as a TDR sending area (~~(on the future land use map and located within a zone used to implement the sending area designation, as indicated on the official zoning map through the suffix "SA.")~~) by or pursuant to SCC 30.35A.025.

Section 30. Snohomish County Code Section 30.91T.063, added by Amended Ordinance No. 04-123 on December 15, 2004, is amended to read:

30.91T.063 Transfer of development rights or TDR.

"Transfer of development rights" or "TDR" means, in general, the process established by chapter 30.35A SCC for transferring certified development rights from a sending site to a receiving site. "TDR" is sometimes used as an adjective to denote relation to the TDR program, as in "TDR certificates," "TDR program," (~~TDR~~) "TDR receiving area," and "TDR sending area."

Section 31. Snohomish County Code Section 30.91T.065, added by Amended Ordinance No. 04-123 on December 15, 2004, is amended to read:

30.91T.065 TDR pilot program.

"TDR pilot program" refers to a program developed by the County pursuant to Motion No. 02-473 for the purpose of acquiring development rights from farmland in the Stillaguamish River Valley through implementation of a TDR program. (~~For purposes of chapter 30.35A SCC, the TDR pilot program began on November 20, 2002, the date~~

1 ~~the county council passed Motion 02-473, and terminates on December 31, 2008 unless~~
2 ~~extended by council action.))~~
3

4 Section 32. Snohomish County Code Section 30.91T.067, added by Amended
5 Ordinance No. 04-123 on December 15, 2004, is amended to read:
6

7 30.91T.067 TDR pilot program sending area(s) or TDR pilot program sending site(s).
8 "TDR pilot program sending area(s)" or "TDR pilot program sending site(s)" refers to
9 land ((included)) in the portion of the Stillaguamish River Valley ((that was designated a
10 TDR sending area by section 4 of Ordinance No. 03-100, adopted on September 10,
11 2003)) with a zoning overlay of TDR-SA.
12

13 Section 33. Severability. If any section, sentence, clause or phrase of this ordinance
14 shall be held to be invalid or unconstitutional by the Growth Management Hearings
15 Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not
16 affect the validity or constitutionality of any other section, sentence, clause or phrase of
17 this ordinance. Provided, however, that if any section, sentence, clause or phrase of
18 this ordinance is held to be invalid by the Board or court of competent jurisdiction, then
19 the section, sentence, clause or phrase in effect prior to the effective date of this
20 ordinance shall be in full force and effect for that individual section, sentence, clause or
21 phrase as if this ordinance had never been adopted.
22

23
24 PASSED this ____ day of _____, 2013.
25

26 SNOHOMISH COUNTY COUNCIL
27 Snohomish County, Washington
28
29

30
31 ATTEST:

Council Chair

32
33
34 Asst. Clerk of the Council
35

36 () APPROVED
37 () EMERGENCY
38 () VETOED

39 DATE: _____
40
41

42
43 _____
County Executive
44
45

46 ATTEST:

1
2 _____
3
4 Approved as to form only:
5
6 _____
7 Deputy Prosecuting Attorney
8